THE

HISTORY

OF THE LIFE OF

KING HENRY THE SECOND.

417. h.

THE
HISTORY
OF THE LIFE OF
KING HENRY THE SECOND,
AND OF THE AGE IN WHICH HE LIVED,
IN FIVE BOOKS:

TO WHICH IS PREFIXED,

A Hiſtory of the Revolutions of England

From the Death of EDWARD the Confeſſor

To the Birth of HENRY the Second:

BY GEORGE LORD LYTTELTON.

THE SECOND EDITION.

VOL. II.

LONDON,
Printed for W. SANDBY and J. DODSLEY,
MDCCLXVII.

MVSEVM
BRITAN
NICVM

THE HISTORY OF THE LIFE OF King Henry the Second.

BOOK II.

THE death of Stephen was a favour of providence to the people of England, which ſaved them from many great impending evils. The peace of the kingdom no longer depended upon the fictitious union of natural and irreconcileable enemies. Henry Plantagenet was now the unqueſtioned and ſole king of England. Whatever ſecret ſchemes had been formed, or might be forming, to defeat his ſucceſſion, they were entirely overthrown by this event. It has been mentioned before, that he was beſieging a caſtle in Normandy which had revolted againſt him, when intelligence came to him that Stephen was dead. The lords of his council adviſed him to haſten to England, for fear his enemies ſhould uſe the opportunity of his abſence to excite ſome diſorders; but he coolly replied, that they would not dare to do any thing, and could not be perſuaded to raiſe the ſiege, A. D. 1154.

V. Neubrig. l. i. c. 32.

till the caſtle had been forced to ſurrender at diſcretion, which it did in a few days. Nor was his confidence vain: for he had eſtabliſhed his power in England on ſuch a ſolid foundation, and put the care of his intereſts into ſuch ſafe and able hands, that his preſence there was not neceſſary: and this being the caſe, it was certainly wiſe in him, not to leave behind him any root of rebellion. It might indeed have been natural for ſo young a king, to be more impatient to put on his royal robes: but the ſolidity of his mind gave no way to the impreſſions of vanity, and he preferred, upon all occaſions, what was really great to the oſtentation of greatneſs.

Chron. Norm. p. 990.

Having entirely pacified Normandy he went to Rouen, and conferred with his mother, who prudently agreed to remain, as before, in that dutchy, and not go with him to England; thinking that her preſence might hurt him there, as ſhe was not beloved by the Engliſh; or feeling, perhaps, that it would not be agreeable to reſide as a ſubject where ſhe had reigned as a queen. Whatever right ſhe had to the crown, a formal ceſſion of it, in favour of her ſon, by any public act, was not thought to be neceſſary, nor does it appear that he deſired it: her acquieſcence in what had been ſettled by the treaty of Wincheſter being eſteemed by the nation, and even by her own moſt zealous friends, a ſufficient releaſe of the oaths they had taken to her, either in the lifetime of her father, or after the battle of Lincoln. And Henry himſelf might think, according to the notions received in thoſe days, that his title, in itſelf, was better than hers; as he was the neareſt heir male to his grandfather, King Henry. Certain it is, that there was no renunciation declared on her part, nor reſignation of her claim in his behalf; but his right of ſucceſſion was left upon the foot of the treaty of agreement between him and Stephen. This great point being adjuſted, he ſummoned all the barons and prelates of Nor-

mandy, to adviſe with them upon all that was proper to be done in the preſent emergency, particularly with regard to the affairs of that dutchy; but he ſeems to have confided the government of it entirely to Matilda, endeavouring thus to make her ſome amends for giving him no trouble in the kingdom of England: and it muſt be owned that ſhe deſerved the moſt thankful acknowledgments, and beſt returns in his power, on that account. For though it is certain, that, if ſhe had attempted to contend with him for it, ſhe would not have ſucceeded, yet, by ſuch a diſpute, ſhe would have grievouſly embarraſſed his filial piety, and diſturbed his quiet. But all being accommodated to their mutual ſatisfaction, Henry, and his two brothers, with Eleanor, and a moſt ſplendid train of nobility, repaired to Barfleur, at which port they intended to embark; but the winds being contrary, they were detained there a month, during all which time no diſorders happened in England. The archbiſhop of Canterbury (Theobald) was eminently inſtrumental in preſerving the peace of the realm, by the extraordinary diligence, prudence, and firmneſs, with which he acted at the head of a regency, or council of ſtate, that had the care of the government till Henry ſhould come over: but it was principally owing to the affection of the public, which the king had acquired, and to the dread of his power, which awed the moſt factious ſpirits. Nevertheleſs he was uneaſy at ſo long a delay; and the very firſt moment that the change of the wind enabled him to ſail, he put out to ſea in ſuch weather, that his fleet was diſperſed, and he was himſelf in ſome danger of being ſhipwrecked; but, the ſtorm abating, he landed in the New Foreſt, not far from Hurſt caſtle, on the ſeventh of December in the year eleven hundred and fifty four, about ſix weeks after the deceaſe of Stephen. A. D. 1154.

Gerv. Chron. Huntingdon. ſub ann. 1154. Neubrig. l. i. c. 32. l. ii. c. 1.

Upon the king's arrival at Wincheſter, the nobles, the prelates, and gentry of England crowded from all parts of the kingdom to meet him, not only as their ſovereign, but as

their *deliverer*. His journey from thence to London ſeemed to be a continued triumphal proceſſion; and that city itſelf, which had been always the moſt devoted to Stephen, received him with the higheſt marks of affection. A few days afterwards, on the nineteenth of December, he and his queen were crowned in Weſtminſter abbey by the archbiſhop of Canterbury, without any ſuch capitulation having been offered to him, as had been made with his predeceſſor, or any other terms but the uſual oath of the ancient kings of England. This was ſufficient to bind the conſcience of a good prince; and recent experience had convinced the nation, that they would not be able to reſtrain a bad one by any other form of words that could be deviſed. Nor was it conſiſtent with reaſon or good policy, to ſuffer the oaths of allegiance to be limited by conditions; and declarations to be inſerted into thoſe oaths, that they ſhould not be binding, unleſs ſuch conditions were obſerved; as Stephen had allowed to be done in the homage and fealty, which he received from the biſhops and from Robert earl of Gloceſter. Indeed, a diſſolution of all obligations on the part of the ſubject, by the ſovereign's breaking thoſe in which the relation between them conſiſts, is implied in the very nature of feudal allegiance; nay, I might ſay, of all government and lawful ſubjection: but to ſet out with a ſuppoſition that ſuch an odious caſe will exiſt, and make an expreſs proviſion for it, is what the wiſeſt free ſtates have judiciouſly avoided. Henry therefore would not admit of any ſuch expreſſions in the oaths taken to him; but brought them back again to the cuſtomary form. Nor did he diſtinguiſh the clergy, in any reſpect, from his lay ſubjects, by favours conferred on them, as a body of men who had intereſts ſeparate from thoſe of the community. He would not encourage faction in any of it's members; but leaſt of all in them, who ought always to be the furtheſt removed from that evil, and who, in the late reign, had been carried by it ſo far out of the bounds of their ſacred functions, to the detriment of the whole

whole ſtate, and greatly to the diſhonor of religion itſelf. How much his predeceſſor had injured the commonwealth, and weakened the civil power, by the conceſſions made to the church at the beginning of his reign, he well underſtood, and avoided every thing which might ſeem to lay him under obligations of ſo dangerous a nature. Neither did he condeſcend to apply to the pope, as Stephen had done, for a confirmation of his title; not having any need of ſuch a ſupport, and being ſenſible that Rome would avail herſelf of it againſt the independence and dignity of his crown. The much ſtronger pillars, on which he was determined to fix his throne, were the laws of his country and the love of his people. To gain that love, he did not ſtoop to the arts of low popularity: he neither debaſed the majeſty of his crown, nor exhauſted its treaſures; he did not relax the vigour of government, nor plunge the nation into any exceſſes of riot or luxury; but dealt impartial juſtice to all his ſubjects, and let none of them be deprived of his royal goodneſs. The narrow and iniquitous ſpirit of party did not confine the benignity of his nature, nor the integrity, greatneſs, and candour of his mind, within it's own limits. He ſaw that to raiſe again the glory of his kingdom, it was neceſſary firſt to reſtore concord and union among his people, to allay all heats, to quiet all fears, and to extinguiſh all memory of their former diviſions. This he was able to effect; becauſe no falſe principles or notions of government ſtood in his way, by the obſtinacy of which a reconciliation of parties might be obſtructed. His title was now univerſally acknowledged; and all attachment to the houſe of Blois ſeemed to have been buried in the grave of King Stephen. He therefore thought it equally unjuſt and unwiſe, to keep his reſentments ſtill alive. The conduct he held was ſuch, as ſatisfied thoſe, who had moſt violently oppoſed his mother, or himſelf, in the late civil war, that, by their concurrence in the treaty of Wincheſter, they had obtained his forgiveneſs, and might, by their future loyalty, aſpire to the higheſt degree of his favour. Thus he happily

happily prevented the rage of deſpair from diſturbing his government, and healed thoſe wounds, which a leſs gentle treatment, and a leſs ſkilful hand, would have rendered incurable. Nevertheleſs, in forgetting injuries he did not forget ſervices; but eminently diſtinguiſhed and rewarded the zeal of thoſe friends, who had been the moſt faithful and able ſupports of his party.

Gerv. Chron. ſub ann. 1155. Neubrig. l. ii. c. 1, 2, 3.

Soon after his coronation he met his great council, and adviſed with them concerning the ſtate of his kingdom. The reſult of their deliberations was the inſtant execution of the treaty of Wincheſter, in thoſe parts which his predeceſſor had left unperformed, beginning firſt with that capital article, the ſending away the foreign troops. It was not without extreme reluctance that theſe mercenaries thought of leaving the kingdom. They had long been accuſtomed to riot on the ſpoils of it, and many of their officers had acquired great eſtabliſhments in it, particularly their general, William of Ipres; to whom the earldom of Kent had been given by Stephen, with all the wealth that the bounty of a moſt prodigal monarch could beſtow on a favourite, who knew no ſcruples in obeying the will of his maſter, nor any moderation in enriching himſelf. Others had been rewarded, in proportion to their rank, with liberal grants, which the waſte of the royal demeſne, or the confiſcations of the adverſe party, had ſupplied. To part with all theſe emoluments, to give up the recompence of ſo many crimes, appeared to them very hard; and they would willingly have prevented it by ſtill greater crimes, if it had been in their power. But they could find no competitor to ſet up againſt Henry; William of Blois, Stephen's ſon, being too young, and too weak, in all reſpects, to undertake ſo perilous an enterprize; and no other nobleman having pretenſions, or power, or diſcontent enough, to engage with them, in any attempt againſt the king, or the peace of the kingdom.

Vid. Fitſteph. & Camden in Kent.

Under theſe circumſtances, this formidable body of veteran forces, who had ſo long been the terror of the people of England,

land, began to fear for themſelves, deprived, as they were, of all ſupport, and expoſed to the reſentments of an injured, inſulted, and high-ſpirited nation. The diviſions that had weakened it in the preceding reign, and the protection of the crown, which was never withdrawn from them, had been their ſecurity; but they could not be able now, with the royal power againſt them, to withſtand the united ſtrength of the whole kingdom. One hope remained, viz. that Henry himſelf might accept of their ſervices, and (as his predeceſſor had done) make them the inſtruments of arbitrary power. Examples are frequent of princes having recourſe to thoſe meaſures of government, as uſeful and neceſſary, which they had complained of, as national grievances, before they came to the throne. William of Ipres, who had been long experienced in affairs, and was too wicked to believe that any man could be virtuous, might therefore imagine, that Henry would think differently, when king of England, from what he had profeſſed, at the head of the publick, in oppoſition to Stephen. But that prince was well convinced, that, to be a great king, he muſt continue at the head of the publick, and not degrade himſelf into the captain of a band of foreign mercenaries. He therefore determined to execute the reſolutions of parliament againſt theſe men, and iſſued a proclamation commanding them all to leave the realm, on pain of death, before a certain day, appointed in the edict. When that day came, not one foreign ſoldier was to be found in the kingdom: All were vaniſhed at once, like the evil phantoms of the night, at the riſing of the ſun! Their general himſelf had gone with them, diſpoſſeſſed of his earldom and other honours in England, the loſs of which he bewailed with tears of rage; and, not able to bear this ſudden change of fortune, forſook the world, and became a monk at Laon in Flanders, where he died very penitent, in the year eleven hundred and ſixty two.

V. Newbrig. ut ſupra.

See Dugdale Baron. Kent. & Camden's Britan.

The honor of the nation, as well as its liberty and repoſe, ſeemed to be reſtored by this act, and by the proceedings of Henry

Gerv. Chron. ſub ann. 1155. Newbrig. ut ſupra.

Henry in another affair of a like nature, the deſtroying the caſtles which Stephen had kept undemoliſhed, againſt the faith he had given. All thoſe that had been erected in the late reign were now burnt, or levelled to the ground; except a few, that, from their ſituation, were judged to be neceſſary for the defence of the kingdom. While Henry was in the north, employed in performing this ſalutary work, William de Peverel, a great northern baron, who (as I have related in the preceding book) was accuſed of having poiſoned the earl of Cheſter, conſcious of his guilt and dreading the royal vengeance impending upon him, retired to a convent, as a ſtronger aſylum than any of his caſtles: But when the king approached to his ſanctuary, armed with all the majeſty and terrors of juſtice, he durſt not truſt even to that; but fled out of the realm. He was immediately outlawed, and his lands were ſeized, as forfeited to the crown. Thus Henry revenged the death of the earl of Cheſter, and convinced other offenders, who in the reign of King Stephen had apprehended no puniſhment for the moſt heinous crimes, that it was his reſolution they ſhould not be ſafe even under the hood of a monk, nor within the protection of the altar itſelf.

But in his next undertaking he found greater difficulties. Stephen's extravagance and the inſatiable demands of his faction had induced him to alienate ſo much of the ancient demeſne of the crown, that the remaining eſtate was not ſufficient to maintain the royal dignity. Some royal cities, and forts of great importance, had been alſo granted away, which could not be ſuffered to continue in the hands of the nobles, to whom they had been given, without conſiderably impairing the ſtrength of the crown, and no leſs endangering the peace of the kingdom. Policy and law concurred in demanding theſe conceſſions back again. The ancient demeſne of the crown was held to be ſacred, and, like the lands of the church, ſo inalienable, as that no length of time could give a right of preſcription to any other poſſeſſors, even by virtue of grants from

Vid. Sir Rob. Cotton, Opus poſthum. See alſo Fleta, l. iii. c. 6. et Bracton, l. ii. c. 5.

rom the crown, againſt the claim of ſucceeding princes. But all theſe alienations were of no earlier date than the reign of King Stephen; and, therefore, the reſumption of them was free from thoſe difficulties, and inſuperable objections, that muſt neceſſarily attend the reſuming of grants tranſmitted down through ſeveral generations.

For theſe reaſons it had been agreed by a ſeparate and ſecret article in the treaty of Wincheſter, that whatever lands, or poſſeſſions, had belonged to the crown, at the death of King Henry the Firſt, ſhould be now reſtored to it; except thoſe that Stephen had granted to William his ſon, or had beſtowed on the church. The latter exception was, doubtleſs, owing to the governing influence of the biſhop of Wincheſter in that treaty. Nor durſt the temporal barons, however diſſatisfied, complain of a partiality, which was ſanctified by the names of piety and religion. Among the reſumable grants there were ſome of Matilda. For ſhe too, acting as ſovereign, had followed the example ſet her by Stephen, in giving away certain parts of the eſtate of the crown, to reward her adherents. And much had been uſurped by the barons of both parties, without any warrant but the licence of the times, or pretences that could not be juſtified, when they were legally examined: ſo that no article of the treaty of Wincheſter was either more juſt, or more neceſſary, than that, which ſtipulated a reſumption of all theſe alienations. Nevertheleſs it had been abſolutely neglected by Stephen, for the ſame reaſon, I ſuppoſe, as had hindered him from fulfilling the other articles of that treaty, relating to the expulſion of all the foreign troops and the demolition of caſtles, becauſe he ſought to maintain a faction attached to himſelf, and was unwilling to withdraw his favours from perſons, whoſe aſſiſtance he deſired. Nothing elſe can account for ſo indigent a prince having been ſo remiſs in this point. But Henry, who reſolved to extinguiſh all factions, and was not obliged to court his nobility at the expence of his crown, as

he meant to aſk nothing of them inconſiſtent with their duty, ſaw the affair in other lights. He knew indeed that a reſumption would raiſe much diſcontent in thoſe affected by it, who were many and powerful: but he choſe to ſtand their ill humour, with reaſon and law on his ſide, rather than to remain a needy king, or relieve his neceſſities by oppreſſing his people. Nor was he diſpleaſed to leſſen by this means that exorbitant wealth, which rendered ſome of his ſubjects the rivals of his own greatneſs, and was as likely to make them rebels, as any reſentment this meaſure could excite. He therefore ſummoned a parliament, wherein almoſt all his nobles were preſent, and having properly laid before them the wants of the crown, the loſſes it had ſuffered, the illegality of the grants, and the urgent neceſſity of a ſpeedy reſumption, obtained their concurrence to it, and proceeded to put it in immediate execution. The ſpirit of faction was ſo much overawed by the vigour of his government, that he met with leſs oppoſition than he had reaſon to expect. Very near all that had been granted to laymen, or uſurped by them, in any manner, from the royal demeſne, was ſurrendered to him, without bloodſhed, after a little delay, and ſome ineffectual marks of reluctance in a few of the greateſt barons. The earl of Albemarle, whom Stephen had made earl of Yorkſhire, and who had ruled that province with more authority than his maſter himſelf, could ill brook the being compelled to reſtore to the crown all he had gained from the weakneſs of it in the late reign. His connexions were powerful, his credit and intereſt very high and extenſive. Nor had any other nobleman ſtronger caſtles, or vaſſals more warlike. But great as he was, he found, that he now had a ſovereign, who was greater than he, and would equally reign in every part of his kingdom. Henry paſſed the Humber, and coming upon him while he was deliberating, brought him, by the terror that his preſence inſpired, to a quiet ſubmiſſion, and entire reſtitution of all his grants, particularly, of Scarborough caſtle, which he had rendered one of the ſtrongeſt in

Gerv. Chron. ſub ann. 1155. Neubrig. l. ii. c. 2, 3, 4.

V. Authores citatos ut ſup.

in England. While this nobleman had been plotting a revolt in the north, his couſin german, Roger de Mortimer, acting in concert with him, had alſo determined to maintain his own title to the royal caſtles of Clebury, Wigmore, and Bridgenorth, which being ſituated on the borders of Wales, where he had great power, he hoped to defend them againſt all the force of the king, with the aſſiſtance of his northern confederate, and of the young earl of Hereford, ſon to the famous Milo, whom he had inſtigated to join with them in this rebellion. That lord was much offended, that the ſon of Matilda ſhould reſume from him thoſe grants, with which ſhe had recompenſed the ſervices of his father; ſervices unqueſtionably great and meritorious. He thought it very unjuſt, that no difference ſhould be made between the gratuities which an uſurper had given to the king's enemies, for the encouragement of his faction, and the rewards which the king's mother had beſtowed upon one, who, next to the earl of Gloceſter, had been undeniably the chief ſupport of her party. This reaſoning appeared ſpecious; but it was impoſſible for Henry to pay any regard to it, without overturning the whole ſyſtem on which he proceeded. The cauſe aſſigned for theſe reſumptions was not a defect in the title of the grantor, (for on that foot it is apparent that Stephen himſelf could not have agreed to it) nor any unworthineſs in thoſe who had received ſuch favours from that prince, but the neceſſity of recovering the juſt and inſeparable rights of the crown. To have made a diſtinction between the grants of Matilda and Stephen would have done that which the king was moſt careful to avoid; it would have revived the former animoſities, and carried an appearance of his acting from motives, not of royal œconomy and public expediency, but of party-revenge: whereas, by this equal and impartial proceeding, he left the adherents of Stephen no cauſe to complain, or apprehend any ill-uſage, in other reſpects, on account of their paſt conduct. And,

undoubtedly, if all diſtruſts of that nature had not been entirely removed by his prudence and candour, the peace of the nation could not long have continued. The earl of Hereford, therefore, had not, in reality, ſufficient grounds for his quarrel: but heated by youth and the inſtigations of Mortimer he ſecretly left the court, with a reſolution to defend the tower of Gloceſter, and the caſtle of Hereford, againſt Henry's claim. As he was allied by his mother to the Welſh, and had great eſtates in Wales, he procured ſome troops from that nation; and flattered himſelf, that, by acting in conjunction with Mortimer, he ſhould be able to engage the whole ſtrength of the marches, and counties adjacent to them, in the ſupport of his cauſe. This inſurrection might indeed have proved very troubleſome and dangerous to the kingdom, eſpecially if the earl of Albemarle had, according to his promiſe, taken up arms in the north. But Gilbert Foliot, biſhop of Hereford, a wiſe and virtuous prelate, went to the earl of Hereford, whoſe kinſman he was, and ſo wrought upon him, by the force of his exhortations and arguments, that he perſuaded him to ſtop on the brink of the precipice, and give up the two caſtles. Henry not only pardoned, but reſtored him to favour, remembering his father's merit, and knowing there was ſomething ſo hard in his caſe, that it might reaſonably excuſe ſuch a ſally of paſſion, in a young man, who had an hereditary greatneſs of ſpirit. Thus was this ſtrong confederacy broken: but Mortimer, though abandoned by both his friends, would not lay down his arms. Henry, incenſed at his obſtinacy, led a great army againſt him, with which, having divided it into three bodies, he at once aſſaulted the three caſtles of Clebury, Wigmore, and Bridgnorth; and though it was expected that each of them would ſtand a long ſiege, they were all ſurrendered to him in a ſhort time. Before that of Bridgnorth, which was defended by Mortimer, he commanded in perſon, and expoſed himſelf to ſo much danger, that he would there have been ſlain, if a faith-

V. Radulphi Nigri Chronicon Manuſcript. Bib.

a faithful vaſſal had not preferred his life to his own. For while he was buſied in giving orders too near the wall, Hubert de St. Clare, conſtable, or governor, of Colcheſter caſtle, who ſtood by his ſide, ſeeing an arrow aimed at him by one of Mortimer's archers, ſtepped before him, and received it in his own breaſt. The wound was mortal: he expired in the arms of his maſter, recommending his daughter, an only child and an infant, to the care of that prince. It is hard to ſay which moſt deſerves admiration, a ſubject who died to ſave his king, or a king whoſe perſonal virtues could render his ſafety ſo dear to a ſubject, whom he had not obliged by any extraordinary favours! The daughter of Hubert was educated by Henry, with all the affection that he owed to the memory of her father, and when ſhe had attained to maturity was honorably married to William de Longueville, a nobleman of great diſtinction, on condition of his taking the name of St. Clare, which the gratitude of Henry deſired to perpetuate.

Cotton. Veſpaſian. D. X. 1. f. 33. ſub ann. 1165.

Mortimer, being conſtrained to ſurrender at diſcretion, expected no mercy from an exaſperated ſovereign, whoſe power he alone had preſumed to defy. His haughty ſpirit now ſunk, and humbled itſelf to ſupplications for mercy. Henry was ſatisfied, forgave him his revolt, and left him in free poſſeſſion of all his honors and eſtates, except thoſe that belonged to the demeſne of the crown.

Thus was concluded this important and arduous buſineſs, in the proſecution whereof the king adorned the beginning of his reign with the moſt illuſtrious proofs of two royal virtues, by the happy union of which the honor, the peace, and the proſperity of a government are chiefly ſupported, *great firmneſs* and *great clemency*. The undertaking, moſt certainly, was full of difficulty and danger, even

to

to the mightieſt monarch; but beſides the perſonal qualities which enabled Henry to act ſucceſsfully in it, he was aſſiſted by the general ſenſe of the nation; and, with this on the ſide of government, no ſtrength of private intereſt ever was an overmatch for the power of the crown ſteadily and wiſely adminiſtered.

Gerv. Chron. ſub. ann. 1155.

The preſent quiet of the kingdom being now well ſecured, it was proper to extend the care of the legiſlature to future times. Henry therefore called a parliament to meet him at Wallingford, ſoon after Eaſter, in the year eleven hundred and fifty five, which ſettled the ſucceſſion of the crown, after his deceaſe, upon his eldeſt ſon William, who was then but three years old; and, in caſe of the death of William (which happened ſoon afterwards) upon Prince Henry, a ſecond ſon, born to him at London in the month of March this year. Oaths of fealty were accordingly taken to both; and we may aſſuredly infer from this, as well as many other facts, that no right of birth, how indiſputable ſoever, was thought, in thoſe days, a ſufficient title to convey the ſucceſſion, without a parliamentary acknowledgement of it, followed and confirmed by feudal engagements. For, if the crown had then deſcended of courſe to the eldeſt ſon of the king, it would not have been neceſſary to ſummon a parliament purely on this account. Henry indeed found no difficulty to obtain their conſent. The Normans and Engliſh were equally deſirous to fix their monarchy in the family of a well-beloved prince, who ſprung from the kings of both nations. The faction of Stephen, if it ſtill exiſted, was ſilent. Henry's reſpectable and popular government, his juſtice, his moderation, and the great kindneſs with which he treated them, when it could not poſſibly be imputed to any weakneſs or fear, took from them the inclination, as well as the ability, of oppoſing his will.

In this great flow of proſperity, when all difficulties gave way to his power and fortune, if he had deſired to aſſume a deſpotic authority, he, probably, might have ſucceeded. For, there is no time of greater danger to liberty, than the firſt calm, that ſucceeds to a long continuance of inteſtine commotions. Beſides a general dread in the body of the people of loſing again their newly-recovered tranquillity, there is uſually, in ſuch a ſeaſon, a conteſt between the two parties, which ſhall outgo the other in flattering, and making court to the prince; and thoſe are moſt ſervile, who think they have moſt to fear, or leaſt to hope, from their paſt behaviour. Henry might have availed himſelf of theſe diſpoſitions, as other kings have done in a ſimilar ſituation: but he ſaw further, and judged better, than thoſe who take ſuch advantages to encreaſe their power. He well underſtood the temper of the nation, capable, perhaps, of ſubmitting to abſolute monarchy, in the firſt violent and thoughtleſs emotions of love or fear, but always incapable of enduring it long. And even ſuppoſing he could break the vigour of their ſpirit, and tame it to ſervitude, he knew that the maſter of a people ſo debaſed and dejected muſt neceſſarily himſelf be ſunk by their vileneſs, and could not be a great king. Theſe reflexions concurring with a generous ſenſe of virtue, which appears to have been deeply fixed in his mind, he readily determined by what policy he ſhould govern this kingdom. In another parliament, held at London ſoon after this time, or rather in the ſame, adjourned to that city, he granted to his people *a charter of liberties*, confirming that of his grandfather, King Henry the Firſt.

See the Charter in the Appendix.

Thus, by the magnanimity of this excellent prince, was the whole ſtate of England, which had ſuffered alike by tyranny and by faction, compleatly re-eſtabliſhed in thoſe legal rights, that were the proper fences to guard it from both thoſe evils. It was not indeed ſo well ſecured, either from the one, or the other,

other, as it is by the wiſdom of our preſent conſtitution: but, from the mixture of Saxon cuſtoms, which mitigated and tempered the Norman inſtitutions, it was the beſt feudal government ſubſiſting, at that time, in any part of the world. Nor was Henry content with having only reſtored good laws to his people. He did more; he enforced the good execution of thoſe laws. This was a taſk of no ſmall difficulty, and which required the activity, the ſpirit, the reſolution, and that fervour of zeal for the ſervice of the publick, with which his mind was endued. The *manners* of the nation were to be changed. During the reign of his predeceſſor the law had been an empty name. Even where violence did not abſolutely controul it, the partiality of party and the iniquity of the times corrupted the whole adminiſtration of juſtice. Appeals to the crown, the conſtitutional and neceſſary reſſource of the people againſt the too frequent injuſtice of the nobles, had loſt their force. The king had not power to give the ſuitors the relief they demanded. Matilda's friends denied his authority, and againſt his own adherents he durſt not exert it, leſt it ſhould provoke them to leave him. Nor were the lives of his ſubjects more ſecure than their properties. The ſword of every ruffian was ſtronger than that of the magiſtrate, and the moſt notorious criminals found, not only protection, but reward and advancement, if to their private enormities they joined a remorſeleſs and daring alacrity in carrying on the horrors of civil war. Upon the agreement between the chiefs of the two contending factions ſome check was given to theſe diſorders: but the habits of licentiouſneſs had gained too much ſtrength to be quickly overcome. Henry applied his utmoſt endeavours to ſubdue them, and to accompliſh the heroical work of reſtoring the purity and vigour of juſtice, and ſettling good order, good morals, and good diſcipline again in his kingdom. He attended perſonally at the judgement of all greater cauſes in his own court, and made frequent progreſſes into the ſeveral counties, that he might the better diſcover and remedy all abuſes

V. Neubrig. l. ii. c. i. Diceto ſub ann. 1154. Brompton ſub ann. 1155. Petri Bleſenſis epiſt. 66. ad Gualter. epiſcop. Panormit. in Appendice.

abuſes in the rural juriſdictions, or in the behaviour of the judges whom he ſent thither, as his delegates, to adminiſter juſtice. *He did not* (ſays a writer, to whom he was perſonally and intimately known) *ſit ſtill in his palace, as moſt other kings do, but going over the provinces explored the actions of all his ſubjects, chiefly judging thoſe whom he had appointed the judges of others.* A conſtant ſenſe of the ſuperintendance of the royal authority was thus kept up in the minds of his people; and the power of the crown, which they had been uſed to deſpiſe or hate, was made both reſpectable and amiable to them: the intermediate powers, eſtabliſhed by the ſyſtem of the feudal conſtitution, were duly controuled; and the diſorder attending the abuſe of thoſe powers in the ſeveral parts of that ſyſtem was prevented. The meaneſt peaſant, who ſued for juſtice againſt the higheſt nobleman, was favourably heard, and obtained from the king a ſpeedy redreſs of his wrongs. Robbers and freebooters were put to death without mercy; and every other breach of the peace was corrected by exemplary puniſhments; ſo that even the moſt profligate were awed and reſtrained. Public ſecurity being reſtored by this neceſſary rigour, and by the continued activity, vigilance, and firmneſs of the ſovereign, in ſuppreſſing whatever had a tendency to produce inteſtine troubles, the farmer, and the huſbandman, the merchant, and the manufacturer, returned to their occupations; the towns and villages were repeopled; agriculture and commerce revived and flouriſhed, virtue and religion were encouraged and promoted. Such were the conſequences of Henry's beneficent government; and thus he obtained the higheſt glory a king can obtain, that of having reformed a depraved and corrupted ſtate!

V. Petrum Bleſenſ. ut ſupra.

In theſe affairs he was ſerved ably (and to chuſe able ſervants is the moſt neceſſary part of royal wiſdom) by thoſe whom he entruſted with the adminiſtration. They were all perſons whom approved and eminent merit recommended to

his favor. Robert de Bellomont earl of Leiceſter was grand juſticiary, a poſt not uſually filled, in that age, by a layman; or at leaſt not by a layman, without ſome prelate being joined in commiſſion with him: but Henry, who ſaw the clergy too powerful, did not think it adviſeable to ſtrengthen them ſtill more, by ſuch an addition of power as that office gave; deſiring rather to make the authority of it a curb to that of the church. He therefore joined two laymen in the commiſſion, the earl of Leiceſter and Richard de Lucy. The former was a perſon of great prudence, and yet of a reſolute ſpirit, very proper to maintain the rights of the ſtate againſt the attempts of the clergy and the pope; which he was the better enabled to perform, becauſe his known piety and the regularity of his life ſet him above the imputation of irreligion, uſually thrown in that age upon any of the laity who dared to reſiſt the uſurpations of Rome.

His collegue was a gentleman of conſiderable rank, and one who had diſtinguiſhed himſelf as a ſoldier, but joined to his valour, and military abilities, the knowledge of a lawyer and talents of a ſtateſman. In chuſing him to ſhare this office Henry gave a new proof of his not being influenced by the ſpirit of party, and of having entirely baniſhed thoſe reſentments, which a narrow mind, or a bad heart, would have retained and indulged. For Richard de Lucy had been highly in favour with Stephen, nor had he ever betrayed him or deſerted his ſervice. A little before the agreement of that king with Henry we find him in arms againſt the latter: and by an article of that treaty the tower of London and Windſor caſtle were put into his cuſtody; which muſt have been done at the deſire of Stephen, becauſe it appears that he gave no ſecurities for his fidelity to *him* in that truſt: whereas he was obliged to give his ſon to Henry, as a hoſtage for the delivery of thoſe forts to that prince after the death of the king. But it is probable that Henry approved the choice made by Stephen,

Stephen, from the reputation of integrity which Richard de Lucy had gained: and that character, with the abilities he ſoon diſcovered in him on a nearer acquaintance, was now the cauſe of his advancement to this high dignity. His conduct in it juſtified the prudence of Henry. He was one of the faithfulleſt and beſt ſervants that any prince ever employed, uſeful in all buſineſs, and as fit to command an army, as to preſide in a court of judicature, or a council of ſtate.

The archbiſhop of Canterbury was treated by the king with great regard, and had a principal ſhare in the adminiſtration of government, which he deſerved by the ſervices he had done that prince in affairs of the higheſt importance, and by the cordial affection which he bore to his perſon. He was a man whom experience and knowledge of buſineſs had made a miniſter of ſtate rather than genius; having parts good enough to be eſteemed, and not great enough to be feared, by his maſter. Yet, had he been of an enterpriſing temper, he would have given trouble to government: for whatever he undertook he purſued with an obſtinate and undaunted reſolution; as Stephen had found to his coſt on ſome occaſions. But being now grown old and weary of faction, as well as diſinclined to any quarrel with a ſovereign whom he loved, he tried to keep the church and ſtate as quiet as he could; which was all that Henry deſired, till, by a continual and inſupportable encreaſe of the evils ariſing from the unwarranted pretenſions of the clergy, he was compelled, for the ſake of civil ſociety, to attempt a reformation of thoſe abuſes.

On the recommendation of the primate, Thomas Becket was raiſed to the office of Chancellor. This man, the moſt extraordinary of the age he lived in, and from the ſingularity of his character (to which there are few parallels in the hiſtory of mankind) deſerving the notice of all ages, was born at London, in the year eleven hundred and ſeventeen. His

father and anceſtors (as he ſays himſelf in one of his epiſtles) *were citizens there, who had lived contentedly and quietly among their fellow citizens, and were not the loweſt among them.* It ſeems that his education was intended to qualify him for the church. We are told, that, during his childhood, his father put him to ſchool in Merton abbey; and, when he had attained to manhood, ſent him to finiſh his ſtudies at Paris. After ſome time, he returned from thence to London, was employed as a clerk in the ſheriff's office there, and then introduced to the archbiſhop of Canterbury, who finding him a youth of uncommon parts, and being captivated with his graceful and winning addreſs, gave him the livings of St. Mary le Strand and Otteford in Kent, and obtained for him two prebends in the cathedrals of London and Lincoln. Theſe benefices he, probably, held by the pope's diſpenſation; (for he was yet only in deacon's orders) and deſiring to qualify himſelf for greater preferments prevailed on his patron to ſend him to Bologna, the moſt famous univerſity then in the world, eſpecially for the ſtudy of the canon and civil laws, which of all ſciences was moſt likely to procure his advancement, either in the church, or the ſtate. After reſiding there a year, he went to Auxerre in Burgundy, where thoſe laws were alſo taught; and returned into England no mean proficient in them, but with ſtill ſuperior talents for negociation; which the archbiſhop diſcovering, he diſpatched him ſoon afterwards as his agent to the pope, on a point he thought of great moment, namely, to get the legatine power reſtored to the ſee of Canterbury. This commiſſion was performed with ſuch dexterity and ſucceſs, that the archbiſhop entruſted to him all his moſt ſecret intrigues with the court of Rome, and particularly a matter of the higheſt importance to England, the ſolliciting from the pope thoſe prohibitory letters againſt the crowning of prince Euſtace, by which that deſign was defeated. There was great difficulty in conducting this buſineſs: for, though Eugenius the Third, who then held the pontificate,

Epiſt. 108. l. 1. Bruxell. edition.

Quadrilogus ſive Hiſtoria Quadripartita. Vit. et proc. S. Thomæ Cantuar. Mar. &c. edit. Paris. ann. 1495.

Quadrilogus. Gerv. act. Pontif. Cantuar. de Theobaldo et S. Thoma.

Vit. et proc. S. Thoma, ut ſupra.

Gerv. ut ſupra.

pontificate, had quarrelled with Stephen, yet as the election of that monarch had been ratified by the papal authority, it was very prejudicial to the honor of Rome, that he ſhould be declared by the ſame authority, a perjured uſurper. Nor, indeed, was it the intereſt of that ſee to cooperate, in ſupporting the pretenſions of Henry Plantagenet, againſt the ſon of Stephen, if it deſired to maintain the encroachments it had made, upon the rights of the Engliſh monarchy, during the reign of his father. And therefore (as we are informed by an anecdote preſerved to us in a letter of Becket) one of the cardinals, who favoured Euſtace, told the pope on this occaſion, that *it would be eaſier to hold a ram by the horns than a lion by the tail.* The ſtrength and power of Euſtace, whoſe foreign dominions were but ſmall, compared with thoſe of Henry, certainly could not be ſo hard to contend with, nor was it probable, that his authority in the kingdom of England would be ſo firmly and ſecurely eſtabliſhed as Henry's, if the latter ſhould recover the crown of his anceſtors. This was a conſideration which it behoved the court of Rome to regard with great attention, before they took any meaſures to oppoſe the ſucceſſion of Euſtace; eſpecially as there was no reaſon to believe, that the principles and maxims of government infuſed into Henry would incline him to acquieſce in their uſurpations. For Becket himſelf obſerves, in the above-cited letter, that, when he came to the crown, *he oppoſed the liberty of the church, by a kind of hereditary right*; his father having reſiſted it, in ſeveral inſtances, with remarkable ſpirit. Euſtace then might juſtly hope, that he ſhould be favored by the policy of the Vatican; and there was the leſs probability that Eugenius could be brought to act againſt him, as Stephen, in that conjuncture, had a miniſter at Rome, who had much influence over the mind of that pontif, namely, Henry de Murdac; to whom Eugenius himſelf had given the ſee of York (as I have before related) and whom Stephen, who had long refuſed to acknowledge him, had now received,

Epiſt. 14. l. iv.

in

Gerv. ut ſupra. et in Chron. ſub ann. 1152.

in hopes of obtaining a papal bull for the coronation of his ſon. But the implacable hatred of the pope againſt him, and Becket's great abilities in negociation, overcame all the weighty arguments and powerful intereſt on the ſide of that prince: which happy ſucceſs, in an affair of ſuch conſequence and ſo much difficulty, gave Becket a merit, not only to the prelate by whom he was employed, but alſo to Henry, which was the firſt foundation of his high fortune. At his return into England, the archbiſhop conferred upon him ſeveral new favors, making him provoſt of Beverley and dean of Haſtings, which benefices he held together with the former; and juſt before the death of Stephen the archdeaconry of Canterbury was likewiſe given to him by the ſame prelate. But theſe were only the beginnings of his advancement. For, immediately after Henry's acceſſion to the throne, he was made the king's chancellor, at the requeſt of his patron, who thought no dignity or truſt above his merit. Nor, in doing this, did Henry pleaſe the archbiſhop alone. Becket's promotion muſt have been extremely agreeable to the Engliſh; as he was the firſt of that nation, ſince the latter years of the reign of William the Conqueror, on whom any great office, either in the church or ſtate, had been conferred by the kings of Norman race; the excluſion of them from all dignities being a maxim of policy, delivered down by that monarch to his ſons, and founded (as we are told by William of Malmſbury) on the alarming example of what had befallen the Danes in England, after the deceaſe of Canute the Great. For the Engliſh having been ſuffered, by the indulgence of Canute, to retain under him a large ſhare of honours and power, the conſequence was, that they ſoon recovered the government, and drove out the foreigners. Whether the expulſion of the latter was really owing to the cauſe here aſſigned, or to their own provoking inſolence, may well be diſputed: but this opinion, unqueſtionably, prevailed too much in the minds of the Normans, and continued too long. Even Henry the Firſt, who

Fitz-Stephen in vit. Becket.

V. Malmſb. f. 59. l. iii. ſect. 50. de Will. I.

courted the affection of the Engliſh, as the chief ſtrength of his throne, and in other reſpects was kind to them, adhered to this maxim, more, perhaps, from an apprehenſion of offending the Normans, than any jealouſy in himſelf. Stephen and Matilda ſeem alſo to have acted on the ſame principle: ſo that this diſhonorable mark of humiliation and inequality remained fixed on that people, till the auſpicious reign of Henry Plantagenet. He was the firſt who took it off: and certainly this deſerves to be celebrated among the moſt memorable and moſt laudable acts of his life; being that which removed all appearance of *a conqueſt*, and entirely completed the incorporating union between the two nations, which his royal grandfather had formed, but had not brought to full perfection. He might, poſſibly, be more inclined to favour the Engliſh, as, by his grandmother, he deſcended from the Anglo-Saxon kings: but one may better aſcribe the kindneſs he ſhewed them to large and generous notions of policy, which made him deſire to widen the foundations, on which the government of England had ſtood for ſome time: foundations too narrow for the ſuperſtructure of glory and publick good, which his noble ambition and extenſive benevolence aſpired to raiſe. The work, indeed, was to him leſs difficult than it would have been to his grandfather: for England had now, (as a contemporary author tells us) *not only a king, but many biſhops and abbots, many great earls and noble knights, who, being deſcended both from the Norman and Engliſh blood, were an honor to the one and a comfort to the other.* This happy effect of the inter-marriages between the two nations naturally leſſened the jealouſy, which, for almoſt a century, had been ſo ſtrong in the Normans. But a prince of a narrow ſoul would not have ſeen the practicability, or comprehended the utility of departing from the maxim his predeceſſors had adhered to: and it would have been ſingly ſufficient to illuſtrate the reign of Henry the Second, that, by putting an end to this diſtinction, as well as to that which the

V, Ailredus Abb. Riv. de Vit. & Mirac. Edward Conf. p. 401. n. 40.

fury

fury of civil diſcord had lately produced, he opened the temple of Honour to all merit, called forth every virtue, and every talent into the ſervice of the publick, and made himſelf the common father of his whole people.

See Dugdale's Origines Juridiciales. & Madox's Hiſt. of the Exchеq. c. 2 p. 42, 43.

The chancellor of England, at this time, had no diſtinct court of judicature, in which he preſided: but he acted together with the juſticiary and other great officers, in matters of the revenue, at the exchequer, and ſometimes in the counties, upon circuits. The great ſeal being in his cuſtody, he ſuperviſed and ſealed the writs and precepts, that iſſued in proceedings pending in the king's court and in the exchequer. He alſo ſuperviſed all charters, which were to be ſealed with that ſeal. Mr. Madox obſerves, that he was uſually a biſhop or prelate, becauſe he was looked upon *as chief of the king's chapel*, which was under his ſpecial care. In the council his rank was very high. It ſeems that he had the principal direction and conduct of all foreign affairs, performing moſt of that buſineſs which is now done by the ſecretaries of ſtate. Such was the office to which Becket was raiſed: but the favour of his maſter made him greater than even the power of that office, great as it was in itſelf.

The biſhop of Wincheſter, who had hoped to govern the kingdom, had no ſhare in the miniſtry, or none that went beyond the appearance and form of being called to a council, where his opinion was hardly ever followed, but when it might help to confirm and authorize that of others, who had the confidence of their maſter. Henry was too honeſt to love, too wiſe to truſt him, and too ſtrong in the eſteem and affection of the publick to fear his reſentment. Diſguſted at this neglect, and imagining, perhaps, that by intriguing with the pope, or the king of France, againſt Henry, he might be able to revenge himſelf more effectually on the latter, and with greater ſafety to himſelf, than by remaining in England, he

he privately ſent his treaſures out of the realm, and then left it himſelf, without the permiſſion of his ſovereign, who immediately gave orders, that all the ſix caſtles belonging to him in England ſhould be demoliſhed.—The blow was deciſive—It broke at once all his military power in this kingdom: it ſhewed a boldneſs and a vigour in the government, which deterred even the clergy from eſpouſing his quarrel; and as, abroad, he did not find the ſupport he expected, he was compelled to ſubmit, and ſue for leave to return to his biſhoprick; which Henry, who had ſufficiently puniſhed and humbled him, was willing to grant, but confined him to his bare epiſcopal duties. In this retirement, ſo very unſuitable to his temper, he pined ſome years, unattended to, and almoſt forgotten by the publick; after having made and unmade kings, and governed with more than regal power! Nor can there be a greater proof of the ſtrength of the crown and the wiſdom of the king, than that ſo crafty and bold a man, ſo ſkilful in courts, ſo verſed in faction, could neither work himſelf into the government, nor make it uneaſy!

Peace and obedience being thus eſtabliſhed in England, Henry had leiſure to attend to his foreign affairs. His firſt buſineſs was, to do his homage to Louis, for the many fiefs he held of the crown of France. This ceremony was neceſſary at the end of a war, in which a vaſſal had fought againſt his ſovereign; the feudal connection between them having been broken: and therefore it ought to have been paid by Henry, upon the concluſion of the peace, the year before. But his ſickneſs, which came upon him immediately afterwards, and ſome affairs of importance retarded it till Stephen died; and then he was forced, as ſoon as the commotions in Normandy, and the wind and ſea would permit, to haſten to England. During his ſtay in this iſland, to prevent the king of France from taking any umbrage at this neglect, or, rather, becauſe he was ſenſible that ſome had been taken, he wrote to that

V. Ducheſne, t. iv. epiſt. diverſor. de Reb. Franc. epiſt. 58.

monarch, and aſſured him of his willingneſs to pay the ſame homage which he had paid him before, for all the dominions which he held of his crown, on condition of ſuch a reciprocal engagement from him, as the duty of a feudal lord to his vaſſal required. It was the more neceſſary, at this time, that ſuch an aſſurance ſhould be given, becauſe, Henry the Firſt having diſputed the nature of the homage, which was due to the crown of France from the dutchy of Normandy, and having refuſed to pay it in the uſual manner, it might be apprehended, that his grandſon, being now king of England, would make the ſame difficulty, tho' he had ſubmitted to it before his elevation to that rank. But he avoided any occaſion of a quarrel with Louis, eſpecially one not well grounded; and declared, in the ſame letter, that *out of obedience, reſpect, and affection to that prince*, he would conclude a peace with the earl of Blois, by referring their differences to an amicable arbitration. Thus he kept every thing quiet in France, till he had leiſure to go thither, which he did very early in the year eleven hundred and fifty-ſix. He then performed his homage to Louis for Normandy, Aquitaine, Anjou, Maine, and Touraine. That monarch had reaſon (as a French hiſtorian well obſerves) *to tremble when he received it!* The conjunction of ſo many and ſuch great feudal territories, under one vaſſal, had never happened before in the French monarchy; and gave no ſmall alarm to France; as the perſon in whom they were united was alſo king of England. If Louis had taken all occaſions to diminiſh this formidable power, he would have acted with prudence: but he neglected a good one, which preſented itſelf to him ſoon after this time.

Gerv. Chron. et Diceto, ſub ann. 1156. Hoveden ſub ann. 1155.

P. Daniel H. de France, ſub ann. 1156.

V. Newbrig. l. ii. c. 7.

It has, before, been told, how Henry Plantagenet had very unwillingly been compelled, at the death of his father, and before the body of that prince was buried, to ſwear that he would perform every article of his will. Agreeably to that oath, he ſhould, after he had gained poſſeſſion of England,

land, have reſigned the three earldoms of Anjou, Touraine, and Maine, to Geoffry, his younger brother. But, as ſoon as he was crowned, he applied to Rome for relief from the obligation of this oath: repreſenting to the pope, that he had taken it by conſtraint, and in abſolute ignorance of what his father's will contained, which he objected to, in this particular, as being unjuſt; becauſe, againſt the cleareſt principles of natural right, without his having committed any fault or offence, it deprived him of his whole paternal inheritance.

Chron. Norm. ſub ann 1145. Gerv. Chron. et Diceto, Imag. hiſt. ſub ann 1156. Brompt. Chr. p. 1048.

The Roman ſee, ſince firſt it aſſumed an authority of diſpenſing with oaths, has very ſeldom refuſed, upon proper application, to reconcile the religion and conſcience of a prince, with his intereſts, or his paſſions; unleſs when another prince, of greater power, or more a friend to the intereſts of the papacy has oppoſed the requeſt. Henry was a great king: his brother was a ſubject who had no weight in the balance of power in Europe; which was uſually examined by the caſuiſts of the Vatican with much more attention, than the niceties of the caſe referred to their judgement. It is not very certain whether Anaſtaſius the Fourth, or Adrian the Fourth, was then pontif: but either of them was in circumſtances to render him very deſirous of Henry's friendſhip. And, as there was really ſomething hard in the caſe of that prince, the diſpenſing power of Rome was plauſibly, as well as uſefully, exerciſed, in his behalf, on this occaſion. Being thus releaſed from his oath, he paid no regard, either to the will of his father, or the complaints of his brother. It could not indeed be expected that he ſhould, after Geoffry had openly joined with his enemies to ſeize thoſe dominions by force of arms, when he had no title to them, even allowing the will to be obligatory upon Henry; as it was done before that prince had poſſeſſion of England. Conſidering the time when he entered into that league, and the whole purport of it, one cannot be much ſurpriſed, that the affection of Henry

ſhould be cooled towards a brother, who had ſo unnaturally covenanted his utter deſtruction. But tho' Geoffry had abundant cauſe to be very well ſatisfied with having been pardoned a treaſon of ſo heinous a nature, he would neither relinquiſh his pretenſions to the earldoms, nor receive ſome compenſations, offered to him by Henry, whom he went to viſit at Rouen, together with his uncle and aunt, the count and counteſs of Flanders, ſoon after the return of that king into Normandy from his late interview with Louis, which ſeems to have been held in the French Vexin. What theſe compenſations were hiſtory does not inform us: but we are told that he departed in great diſcontent, and going to his caſtles infeſted from thence the whole country round about them. As there was in all the three earldoms no ſmall number of the nobility and principal gentry, who wiſhed rather to be governed by a prince of their own, reſiding conſtantly among them, and one whoſe power they did not fear, than by an abſent and potent monarch, Geoffry might have excited a dangerous revolt in thoſe parts, if Henry, whoſe vigilance was never ſurpriſed, had not, immediately upon his departure, aſſembled an army, with which he marched to oppoſe him, and having divided them into two bodies laid ſiege at the ſame time to two of his caſtles, Mirebeau in Anjou, and Chinon in Touraine. Nature and art had united in fortifying the latter: but nothing could then reſiſt the force of Henry's arms. Both caſtles were taken; and the rebel prince was compelled, with equal ſorrow and ſhame, once more to have recourſe to the clemency of his brother, which ingratitude itſelf could not weary out. Upon his ſurrendering the caſtle of Loudon, his only remaining fortreſs, Henry ſettled on him a penſion of a thouſand pounds of Engliſh money and two thouſand Angevin; and left him the lands belonging to his caſtles, but levelled theſe to the ground; thus, at once, giving him a maintenance, not unſuitable to his rank, and taking from him the means of raiſing new diſturbances.

The

The above-mentioned ſum was equal to an income of twenty two thouſand five hundred pounds of our money in theſe days, beſides the revenues ariſing from his lands: and it would have been well if proviſions of the ſame nature had always been made for the younger brothers of kings or princes, inſtead of appenages which gave them the poſſeſſion of fortreſſes, by which their ambition was often tempted to carry them into faction and civil war. Nevertheleſs it is certain, that, by all the rules of good policy, the king of France ſhould have ſupported Geoffry's claim, and given him the inveſtiture of the three earldoms; in order to ſeparate thoſe dominions from Normandy and Aquitaine, and thereby leſſen the power of Henry in that kingdom: but he overlooked this great intereſt; or thought, that having ſo lately received homage from him for all his territories in France, including the three earldoms, he could not, at this time, diſpute his title to them; eſpecially, as it was ſtrengthened by the authority of the pope, to which he paid, on all occaſions, an implicit reſpect. This acquieſcence on his part was of much advantage to Henry; who alſo found his account in the advances he had made, not long before, towards a peace with the earl of Blois, which tied the hands of that prince, and prevented his giving any aſſiſtance to Geoffry. Indeed, it evidently appears, by the acts of a council, which Louis held this year at Soiſſons, that the ſettling a general peace in the kingdom of France, and reſtoring agriculture, commerce, and other fruits of tranquillity, was the object that the king, and all his principal feudatories, had moſt at heart: of which diſpoſition Henry availed himſelf in this conjuncture. As to the juſtice, or moral rectitude, of his proceedings with Geoffry, which ſome hiſtorians have condemned with moſt ſevere reproaches, he would certainly have been a more pious ſon, if he had not diſputed his father's will: but whether that will was equitable in itſelf, or whether his brother deſerved from him more kindneſs than he met with, may well be queſtioned.

England

See the note on the value of money at the end of the firſt volume.

V. Ducheſne, t. iv. epiſt. diverſor. de Reb. Franc. epiſt. 57. 59. & P. Daniel, ſub ann. 1155.

England ſeems not to have taken any part in this war: but Henry was attended, throughout the whole expedition, by his chancellor, Becket. This miniſter was now become his chief favourite, and made a very immoderate uſe of his favour. Employments and truſts of all kinds were heaped upon him, without meaſure or propriety. Beſides the office of chancellor and a ſcandalous number of eccleſiaſtical benefices, he had royal caſtles and forts committed to his cuſtody, the temporalities of vacant prelacies, and the eſcheats of great baronies belonging to the crown. The revenues of theſe he made uſe of, with the ſame freedom, as if they had been his own rents; perhaps, for the general ſervice of his maſter, but without keeping any regular or ſtrict account, and certainly with great appearance of a moſt extravagant prodigality and oſtentation in himſelf: ſo unlimited was the confidence that Henry placed in him! Indeed he ſeemed almoſt to ſhare the throne with his ſovereign. And it muſt be confeſt, that, if ſuch a participation of the royal authority could have been juſtified by the accompliſhments and talents of a miniſter, it would by his. For he poſſeſſed all the qualities that could moſt powerfully engage the affections of a prince, who had a judgement capable of diſcerning and a heart formed to love extraordinary merit, but a temper that required ſome delicacy of addreſs in thoſe who approached him very nearly, and that yielded moſt to thoſe friends, whoſe character appeared moſt to ſympathiſe with his own. The perſon of Becket was graceful and his countenance pleaſing: his wit was lively and facetious, his judgement acute, his eloquence flowing and ſweet, his memory vaſt and ready on all occaſions. The time he had paſſed in that ſchool of the moſt exquiſite policy, the court of Rome, had greatly improved and refined his underſtanding. Nor was his capacity limited to the ſphere of buſineſs. He made himſelf a perpetual companion to the king in moſt of his pleaſures, and fell in with all his taſtes ſo eaſily and ſo naturally, that in

Gerv. Chron. ſubann. 1155. et in act. Pontif. Cantuar. de S. Thoma. Brompton Chron. p. 1058. Heribert. de Boſeham et Fitz Stephen in vita Becket.

V. Epiſt. S. Thomæ, l. ii. epiſt. 6. 33.

V. Auctores citatos ut ſupra.

in paying his court he ſeemed only to indulge his own inclinations. There was a certain inexpreſſible grace in his manners, given by nature, but helped by art, which rendered his virtues more amiable, and even his vices agreeable. Thus his profuſeneſs and oſtentation appeared like generoſity and greatneſs of ſpirit. Nor was he indeed devoid of theſe good qualities; but he carried them beyond their proper bounds. His expence was enormous, and Henry would have been jealous of it, as intended to acquire too much popularity, if he had not been perſuaded by the addreſs of Becket, that all this magnificence, in which the ſon of a private citizen ſurpaſſed even the greateſt and moſt opulent earls, was only deſigned to do honor to his bountiful maſter, whoſe creature he was, and upon whom his whole fortune muſt abſolutely depend. Yet, amidſt the luxury in which he lived for ſeveral years, and all the temptations of a court where gallantry reigned, he was (if we may believe the writers of his life) conſtantly temperate and invincibly chaſte.

Henry, being now triumphant in Anjou, obliged all the nobility of Gaſcony and Guienne to give him hoſtages for their future fidelity. On what occaſion he did ſo we are not told: but he had, doubtleſs, ſome extraordinary cauſe to ſuſpect them; perhaps a diſcovery of their having ſecretly intrigued with his brother; which conſpiracy might be prevented from taking effect, by the vigilance of his government and the terror of his arms. For it is not very probable, that Geoffry would have dared ſo inconſiderately to draw thoſe arms on himſelf, if he had not relied on ſome aid; and the barons of Aquitaine, having been long weakly governed by Henry's predeceſſors, were impatient of reſtraint, and prone to rebellion. But, whatever might be the motives, on which Henry thought it neceſſary to take this precaution, it anſwered his purpoſe ſo well, that, for many years afterwards, it kept thoſe provinces in peace and obedience to his government.

Fortune

Fortune was ſo favourable to him at this time, that every accident added to his ſtrength. It happened that the count and counteſs of Flanders engaged themſelves by a vow to go, this year, on a pilgrimage, to Jeruſalem. They thought that they could not find ſo fit a guardian, in their abſence, for their eldeſt ſon Philip, who was yet an infant, or ſo reſpectable a protector for their dominions, as Henry their near kinſman, and faithful friend. To him therefore they committed the care of their ſon, and the regency of Flanders, till they ſhould return from the eaſt: and the young prince having eſpouſed the heireſs of Vermandois, that province alſo was put under his government. This was a great augmentation of his power on the continent; and might well have added to the jealouſy of the French court: but he uſed his utmoſt art to quiet their apprehenſions; being never ſo careful to pay the king of France the reſpects of a vaſſal and the regards of an ally, as when he had made, or was endeavouring to make, ſome acquiſition, which might naturally give umbrage to him and his kingdom. The affairs of Flanders were ſettled, with great attention and great wiſdom, by their new governor; and after he had eſtabliſhed ſuch order and harmony in all his territories abroad, that he brought them to compoſe one political ſyſtem, as if they had been a ſingle ſtate, he returned into England, in the ſpring of the year eleven hundred and fifty ſeven. To reannex to that kingdom all the provinces it had loſt to the Scotch and Welſh, under the late unhappy reign, was now the principal object of his deſires, and the general wiſh of his people.

Gerv. Chron. et Diceto, ſub ann. 1157. Chron. Norm. p. 993 Neubrigenſis, l. ii. c. 4. Annal. Wav. ſub ann. 1157.

In what manner his great uncle, David, king of Scotland, had gained poſſeſſion of the three northern counties, and had brought him to take an oath, that he would not reſume them, in caſe he ſhould recover the throne of his anceſtors, has been already related, in the preceding book. The title of that king

king, or of his ſon, to theſe provinces, even as fiefs to be held of England, under homage and fealty, had been always very doubtful. By what right either of them laid claim to Weſtmoreland, I cannot diſcover. And out of the grant which Stephen had made of Northumberland, Newcaſtle and Bamburg had been expreſly reſerved. But David had ſeized upon more than he had a right to, from the terms of that compact, under the pretence of holding thoſe provinces for Matilda and her ſon; inſtead of which he retained and left them to his own grandſon, as parts of the kingdom of Scotland, ſeparated from England, and not even tied to it by any obligation of feudal obedience. It could not appear to the Engliſh in any other light, than as an acquiſition the Scotch had made, by taking advantage of the weakneſs of England, and diſtreſs of the royal family in a time of civil war; and Henry's council ſuppoſed, that he might with equal policy, and with more juſtice, now take advantage of the weak ſtate of Scotland, to recover to his crown it's ancient rights and poſſeſſions. His former obligations to the Scotch royal family, for their having aſſiſted his mother, and conferred upon himſelf the honor of knighthood, could be no ſufficient argument, for ſuffering territories of ſo much value and importance to be loſt to his kingdom; it not being permitted to a king to be grateful at the expence of his people. He therefore judged it neceſſary to regain the three counties, and thought the time ſo favourable for ſuch a demand, that it ought not to be neglected. The oath he had taken was the ſole impediment which ſtood in his way: but againſt this he might plead, that it had been impoſed upon him, when his tender age, and inexperience in matters of government, were ſtrong objections againſt the validity of it; eſpecially, as the alienation of theſe dominions had not been agreed to by the eſtates of the kingdom, whoſe conſent, in all monarchies not entirely deſpotic, is neceſſary to confirm an act of this nature. He might alſo alledge, that the only conſideration, upon which

he could be ſuppoſed to have taken ſuch an oath without fraud, or force, was the efficacious aſſiſtance, which David had engaged to give him in England, by making an offenſive war againſt Stephen: but as that engagement was not kept, he was conſequently freed from his part of the compact. Theſe reaſons appeared ſo weighty, and made his conſcience ſo eaſy, that he did not even apply to the papal authority for relief in this caſe; but, ſuppoſing that his oath was void in itſelf, ſent to demand the immediate reſtitution of the three counties. His embaſſadors were ordered to ſay, *that their maſter, the king of England, ought not to be defrauded of ſo conſiderable a part of his kingdom; nor could he patiently ſee it thus diſmembered: and juſtice required, that territories gained by the Scotch in his name ſhould be reſtored to him.* Upon receiving this meſſage, Malcolm, who was then but in his ſeventeenth year, or rather the lords of his council, by whoſe advice he was governed, thought it neceſſary to make the reſtitution demanded; *prudently conſidering* (ſays William of Newbury, a good contemporary hiſtorian) *that, with regard to this point, the king of England was no leſs ſtrong in the merits of his cauſe than in the greatneſs of his power.* But although they had not been ſo abſolutely convinced of the juſtice of his claim, as that writer ſuppoſes; his power was, undoubtedly, ſo formidable to them, and the ſtate of their government ſo infirm, that prudence required them to make this ſacrifice of conteſted acquiſitions, rather than run the hazard of a war, which might ruin their country. And Malcolm might the more eaſily give up Northumberland, becauſe, when David, his grandfather, declared him ſucceſſor in the kingland of Scotland, he aſſigned that province to William, his younger brother.

Vid. Neubrig. ut ſupra.

Neubrigenſis, l. i. c. 23.

But Henry was not ſatisfied with having regained the three counties. He likewiſe inſiſted, and not without an ancient claim, that Malcolm ſhould acknowledge himſelf his vaſſal for Lothiam. This earldom, in which all the eaſtern parts of Scotland,

V. Diceto Imagin. hiſt. et Annal. Waverlenſes, ſub ann. 1157.

Scotland, between the Tweed and Firth of Forth, were then comprehended, had been granted by Edgar, one of the greateſt Saxon kings, to Kenneth the Third, under condition of homage; and it does not appear that the vaſſalage had been ever releaſed, to him, or his ſucceſſors, by any other king of England. Malcolm therefore was adviſed by his council to agree to this demand likewiſe; and the Engliſh monarch conferred on him the earldom of Huntington, againſt the claim of the earl of Northampton, to whoſe father it had been given by Stephen, on the death of Henry prince of Scotland. Probably, this was done on the foundation of the grant made to David, Malcolm's grandfather, by Henry the Firſt: and unleſs the right of the other family to the earldom of Huntington had been ſo evidently certain in juſtice and law, as not to admit of any latitude in the diſpoſal thereof by the power of the crown, policy required, that, in this inſtance, ſome favour ſhould be ſhewn to the Scotch king in return for the important conceſſions, which he had made to England.

Chron. Norm. p. 993. Chron. Johan. de Walingford. p. 545. M. Weſtmonaſt. p. 193.

See Dugdale's Baronage earl of Northampton.

Theſe northern affairs being thus ſettled, Henry now turned his thoughts, and not without ſome inquietude, to the great and dangerous war he intended to make againſt the Welſh.

As I have not hitherto, during the courſe of this work, given any diſtinct account of that ancient people, I ſhall now ſketch out the moſt important outlines of their hiſtory, down to the times of which I write, partly from the Welſh chronicle of Caradoc of Lhancarvon, which among them is of the greateſt authority; and partly from our own writers. In doing this I ſhall ſupply ſome material omiſſions, which I deſignedly left in the preceding hiſtory of the four firſt Norman kings; becauſe I thought it would be better, that their tranſactions with the Welſh, which were not abſolutely con-

nected with other matters there related, ſhould be ſhewn together with the general view of that nation, preſented here.

How bravely and obſtinately the Silures, Demetæ, and Ordovices, who firſt inhabited that part of Great Britain which has ſince been called Wales, reſiſted the all-conquering power of Rome, the Roman hiſtorians themſelves declare. When that nation had entirely relinquiſhed this iſland, about the year four hundred and forty-eight, theſe valiant people, aſſiſted by the natural ſtrength of their country, and augmented by great numbers who fled to them for ſafety from the invaſions of the Scotch, the Picts, and the Saxons, preſerved themſelves free under their own form of government, their own laws, and their own princes, while all the reſt of South-Britain was over-run and ſubdued by foreign arms.

The name of Welſh was given to them firſt by the Saxons, and is derived from a contraction of Gwalliſh, or Gauliſh, denoting their origin from the Gauls: but they call themſelves Cumri, of which the Latin name, Cimbri, given to a Celtic nation of Germany, was, probably, a corruption. Wales was bounded at firſt by the Iriſh ſeas and the rivers Severne and Dee. But, towards the end of the eighth century, the Welſh were driven out of all the level country, ſituated between the Severne and Wye, by Offa the Great, king of Mercia, who planted there Engliſh colonies, and made the celebrated dike, ſtill called by his name, which extended, from north to ſouth, about ninety miles, running along the ſides and bottoms of the hills, from the mouth of the river Dee to that of the Wye near Chepſtow. It is thought to have been an imitation of the ramparts thrown up by Agricola, Adrian, and Severus, to guard the Roman province againſt the incurſions of the northern Barbarians: but, from ſome remains of it, which are ſtill to be ſeen, and for ſeveral other reaſons, I ſhould judge that it was rather intended for a boundary, to ſeparate the territories of

Dr. Powell's Welſh Chron. p. 19, 20. Camden's Britan. Radnorſhire.

of the Engliſh from thoſe of the Welſh, than to protect the former, as a fortification. Whatever the intent of ſo vaſt a work may have been, the labour and charge were greater than the benefit. For, ſoon after Offa's death, the Welſh again extended their dominions beyond that dike, forcing their way, like a rapid torrent, which deſcends from the mountains and overflows the plain country. Their limits, from that time, were very uncertain; being often advanced, or ſet back, as the fortune of war happened to change, in favour of them, or of the Saxons. In the ninth century, Egbert, ſupreme monarch of England, won from them Cheſter, which had been the capital ſeat of the former kings of North-Wales. From this city his ſucceſſors infeſted that kingdom with perpetual inroads; and the Welſh in return made incurſions, with great fury, into the counties of England that bordered upon them: each nation keeping up an implacable hatred againſt the other, and adding the remembrance of ancient animoſities to every new quarrel. The Saxon chronicle tells us, that Ethelwolf, ſon to Egbert, ſubdued the people of North-Wales. It alſo appears, from Aſſer's hiſtory of King Alfred the Great, that ſome of the Welſh princes were ſubject to his crown; and the Welſh chronicle owns, that his grandſon Athelſtan entered Wales with a great army, which brought the kings of the country to pay him tribute, and acknowledge his ſovereignty: but they did not continue very long in this ſtate of ſubjection. Among the Saxon laws, publiſhed by Wilkins, we have a conſtitution agreed to by the legiſlatures of both nations, for ſecuring the peace of the borders, which ſeems to put them upon a foot of independence and equality. It is ſuppoſed to have been made in the reign of Ethelred, who came to the crown in the year nine hundred and ſeventy eight; and before that time we find the Welſh often in arms on the borders, and ſhewing little obedience or regard to the ſovereignty of England.

V. Chron. Sax. p. 75. ſub ann. 853.

p. 50. ſub ann. 933.

V. Senatus-conſultum de Monticolis Walliæ, Wilkins, p. 125.

In the year eight hundred and forty three all Wales was united under the dominion of Roderick, ſurnamed the Great: but in the

the year eight hundred and ſeventy ſix that prince again divided it, by a teſtamentary ſettlement, into three kingdoms, Guyneth, or North-Wales, Deheubarth, or South-Wales, and Mathraval, or Powis-land; which he ſeverally left to his three ſons, who were all crowned and called kings; but the two younger were ſubordinate to the eldeſt, who had North-Wales, and held his royal ſeat at Aberffraw in the iſle of Angleſey, which was the Mona of the Britons. The grandſon of Roderick, Howel Dha, (in Engliſh Howell the Good) about the year nine hundred and forty, obtained the ſole dominion of all the three kingdoms, and made a reformation of their political, civil, and municipal laws, which were digeſted by him into three books. This code is ſtill extant, and has been publiſhed in England with a Latin tranſlation, but mixed with other inſtitutions of a much later date, many of which are ſtrictly feudal, and therefore muſt have been chiefly derived from the Normans. The entire agreement of others with the laws of the Saxons ſeems to indicate that they were occaſionally borrowed from thence, and adopted by Howell: though the ſimilar genius of the Britiſh Celts and the Germans may have alſo produced ſome reſemblance and conformity in the more ancient cuſtoms of the two nations. Among thoſe that appear to be purely and originally Britiſh, one may diſcover a great deal of barbariſm, and many things that required a further reformation. The beſt that can be ſaid of the policy of the Welſh government, is, that there was in it no tincture of deſpotiſm. The nobles and clergy were conſulted in all matters of ſtate: the people were free, and ſeem to have aſſiſted in the making of laws and other acts of great moment. They were oppreſt by no taxes, nor by any toilſome work: and to this an ancient author, who was himſelf of that nation, aſcribes their magnanimity and courage in war. *For nothing* (ſays he) *ſo raiſes and excites the minds of men to brave actions, as the chearfulneſs of liberty: nothing, on the contrary, ſo dejects and diſpirits them, as the oppreſſion of ſervitude.* But, in truth, the

Welſh Chron. from p. 52 to 55.

V. Leges Walliæ auct. Gul. Wotton. V. Præfation. Gul. Clarke.

V. Leg. Walliæ, l. ii. l. 42, 58, 59. et multas alias.

V. Girald. Cambrenſ. de Illaudabilibus Walliæ, c. 10.

the Welſh were ſo far from ſubmitting to *ſervitude*, that they would ſcarce endure *government*. Their liberty bordered too nearly upon anarchy, being rather that of a ſavage than a civilized people. The whole conſtitution was ill framed, either to poliſh their manners, or to ſecure the internal peace of the country; none under heaven having been ever more agitated with civil commotions; which were ſo frequent and violent in all parts of Wales, that very few of their princes died natural deaths: for either they were ſlain in wars with each other, or murdered by others of the ſame family, who, for want of a determined rule of ſucceſſion, or by the power of factions, aſpired to the government. One great cauſe of this evil was, that the old Britiſh cuſtom of dividing the eſtate of the father, in equal ſhares, among the ſons, baſtards, as well as legitimate, extended, not only to private inheritances, but to the inferior chieftains, or princes in the ſeveral diſtricts; and even to the royal families in all the three kingdoms; the eldeſt ſon having no more than a kind of titular ſovereignty over the younger: nor was that preference always given; but, ſometimes all the ſons of a dead monarch governed jointly, which produced the utmoſt confuſion; and, in ſeveral inſtances, election, or force of arms, conferred the chief rule upon one of the younger ſons, or perhaps, upon ſome other more diſtant kinſman. What aggravated this miſchief was another ancient cuſtom, which prevailed among the chieftains and kings of Wales, of ſending out their infant ſons, to be nurſed and bred up in different families of their principal nobles or gentry; from whence it enſued, that each of theſe foſter-fathers, attaching himſelf with a ſtrong, paternal affection, to the child he had reared, and being incited by his own intereſt to deſire his advancement above his brothers, endeavoured to procure it by all the means in his power. Thus, as moſt of their kings cohabited with ſeveral women, who generally brought them many children, ſeveral parties were formed among their nobility; which breaking out

V. Dr. Powell's Welſh Chron. p. 21. 58, 59, 60. Girald. Cambrenſ. de Illaudabilibus Walliæ, c. 9.

V. Welſh Chron. from p. 51 to 54, and from p. 58 to 63. See alſo p. 21. and Girald. Camb. de Illaudabilibus Walliæ. c. 4. 9.

out at their deaths involved their ſeveral kingdoms in blood and confuſion. Minors were never allowed to reign: but it often happened, that, when a prince, excluded in his infancy, attained to manhood, he then aſpired to the throne, which, on account of his nonage, he had formerly loſt, and found a party to aſſiſt him in thoſe pretenſions. Thus, after the deceaſe of Howell Dha, the kingdoms of Wales were again divided into different portions, and perpetually harraſſed with different claims. They were indeed reunited under Meredyth, Howell's grandſon; but his reign was unfortunate and of ſhort continuance: for he was ſo infeſted with the pyratical deſcents of the Danes, that, after St. David's, and other places upon the coaſts of South-Wales, had been deſtroyed by their ravages, he was forced to deliver himſelf from them, by a compoſition of the ſame nature with the firſt *Danegeld* of the Saxons, viz. to pay them a capitation, at the rate of a penny for every man in that kingdom. This only allured their countrymen to other invaſions, with leſs fear of reſiſtance and more aſſurance of gain. While Meredyth's arms were employed in a civil war with the ſon of his elder brother Eneon, who laid claim to South-Wales, the northern corſairs landed in Angleſey, and deſolated the whole iſland. As publick misfortunes are always charged to the fault of the government, the people of North-Wales revolted, and choſe another king. Great diſorders enſued; till the unhappy Meredyth dying, without iſſue male, in the year nine hundred and ninety eight, Lhewelyn ap Sitſylth, who had married his daughter, ſucceeded to him in South-Wales, and ſoon obtained, by force of arms, the two other kingdoms. The Welſh chronicle, to expreſs the felicity of his reign, ſays, *that, in his time, the earth brought forth double to what it produced in the times before paſt: the people proſpered in all their affairs, and multiplied wonderfully; the cattle encreaſed in great numbers; ſo that there was not a poor man in Wales, from the ſouth to the north ſea; but every man had plenty, every houſe a dweller, and every town inhabitants.*

Welſh Chron. from p. 73 to 91.

habitants. Yet he was not exempt from the uſual deſtiny of the other Welſh kings. The ſons of Edwin ap Eneon rebelled againſt him and ſlew him: but Gryffyth, his ſon, revenged his death; drove Howell, the ſon of Edwin, out of South-Wales; and killed in battle another prince, who had lately obtained the ſovereignty of North-Wales, not without a good title, if any title but force of arms could have availed in that nation.

Gryffyth was the firſt, and, I believe, the only Welſh king, that ever had a navy; a few ſhips of war having been built for his ſervice in ſome foreign country, and manned with foreign ſailors. He could not be furniſhed with either among his own ſubjects: for Giraldus Cambrenſis informs us, that the Welſh had no ſhips, but ſuch as were uſed by the Britons, their anceſtors; ſmall wicker boats, that were covered with hides, and had neither oars nor ſails. On what occaſion this fleet, which was ſo great a novelty to his people, was provided by this prince, we are not told: but, I preſume, he deſigned it to protect them from the ravages of the Danes and Norwegians. Howell having attempted, by the help of theſe and other foreigners, to regain from him South-Wales, was totally defeated in a pitched battle, and hardly eſcaped with his life. But an honorable death in the field would have ſaved him from a greater misfortune: for his wife, whom he had brought to be a witneſs of the triumph, which he confidently hoped to obtain over Gryffyth, was taken priſoner by that king; who, liking her beauty, kept her for his concubine. Nor does it appear, that he loſt any reputation among his own people by ſo brutal a rape; the Welſh ſuppoſing, that whatever belonged to the conquered was a lawful prey to the conquerors, their wives themſelves not excepted. The unfortunate huſband, reinforced by another army of Engliſh and Danes, made a new effort, not long afterwards, to recover the poſſeſſion of his wife and kingdom; but was vanquiſhed and ſlain in the conteſt. Other

V. Flor. Wig. et S. Dunelm. ſub ann. 1063. 1064.

V. Girald. Cambrenſ. Cambriæ deſcriptio, c. 8. 17.

Welſh Chron. ut ſupra.

competitors aroſe againſt Gryffyth; for not even the greateſt victories could give to theſe princes any ſecurity in their power: but he overcame all his adverſaries by fair and open force in the field. Nor did he confine his valour within his own territories. In conjunction with Algar earl of Cheſter, who had been baniſhed from England as a traitor, in the reign of Edward the confeſſor, he marched into Herefordſhire, and waſted all that fertile country with fire and ſword, to revenge the death of his brother Rhees, whoſe head had been brought to Edward, in purſuance of an order ſent by that king, on account of the depredations which he had committed againſt the Engliſh on the borders. To ſtop theſe ravages, the earl of Hereford, who was nephew to Edward, advanced with an army, not of Engliſh alone, but of mercenary Normans and French, whom he had entertained in his ſervice, againſt Gryffyth and Algar. He met them near Hereford, and offered them battle, which the Welſh monarch, who had won five pitched battles before, and never had fought without conquering, joyfully accepted. The earl had commanded his Engliſh forces to fight on horſeback, in imitation of the Normans, againſt their uſual cuſtom: but the Welſh making a furious and terrible charge, that nobleman himſelf and the foreign cavalry, led by him, were ſo daunted at the view of them, that they ſhamefully fled without fighting; which being ſeen by the Engliſh, they alſo turned their backs on the enemy, who, having killed or wounded as many of them as they could come up with in their flight, entered triumphant into Hereford, ſpoiled and fired the city, razed the walls to the ground, ſlaughtered ſome of the citizens, led many of them captive, and (to uſe the words of the Welſh chronicle) *left nothing in the town but blood and aſhes.* After this exploit, they immediately returned into Wales, undoubtedly from a deſire of ſecuring their priſoners, and the rich plunder they had gained. The king of England, hereupon, commanded Earl Harold to collect a great army from all parts of

V. Chron. Sax. ſub ann. 1055. p. 169.

V. Flor. Wig. p. 623. 629.

of the kingdom, and aſſembling them at Gloceſter, advance from thence, to invade the dominions of Gryffyth in North-Wales. He performed his orders, and penetrated into that country, without reſiſtance from the Welſh; Gryffyth and Algar retiring into ſome parts of South-Wales. What were their reaſons for this conduct we are not well informed; nor why Harold did not purſue his advantage againſt them: but it appears that he thought it more adviſeable, at this time, to treat with, than ſubdue, them; for he left North-Wales, and employed himſelf in rebuilding the walls of Hereford, while negociations were carrying on with Gryffyth, which ſoon afterwards produced the reſtoration of Algar, and a peace with that king, not very honorable to England; as he made no ſatisfaction for the miſchief he had done in the war, nor any ſubmiſſions to Edward. Harold muſt, doubtleſs, have had ſome private and forcible motives to conclude ſuch a treaty. The very next year, the Welſh monarch, upon what quarrel we know not, made a new incurſion into England, and killed the biſhop of Hereford; the ſheriff of the county; and many more of the Engliſh, both eccleſiaſticks and laymen. Edward was counſelled by Harold and Leofrick earl of Mercia to make peace with him again; which he again broke: nor could he be reſtrained by any means from theſe barbarous inroads, before the year one thouſand and ſixty three; when Edward, whoſe patience and pacific diſpoſition had been too much abuſed, commiſſioned Harold to aſſemble the whole ſtrength of the kingdom, and make war upon him in his own country, till he had ſubdued or deſtroyed him. That general acted ſo vigorouſly, and with ſo much celerity, that he had like to have ſurpriſed him in his palace: but, juſt before the Engliſh forces arrived at his gate, having notice of the danger that threatened him, and ſeeing no other means of ſafety, he threw himſelf, with a few of his houſhold, into one of his ſhips, which happened, at the inſtant, to be ready to ſail; and put to ſea. What country he retired to we are not informed:

Flor. Wigorn. p. 630. ſub ann. 1056.

Welſh Chron. p. 100, 101.

V. Chron. Sax. Ingulph. Flor. Wigorn. et Chron. Petroburgen. ſub ann. 1063, 1064, 1065. Malmſb. de Geſt. R. A. l. ii. c. 13. Welſh Chron. p. 101, 102. Girald. Camb. de Illaudabil. Walliæ, c. 7, 8.

but, probably, he went into Ireland. Harold, vexed at his eſcape, ſet fire to his palace, and burned all his ſhips of war that remained in his harbour; after which, returning to Briſtol, he there fitted out, with all poſſible expedition, a powerful fleet; with which he cruized along the coaſts of North and South-Wales, preventing the importation of corn and other neceſſaries, which the Welſh had been accuſtomed to receive from abroad. While he was employed in this manner, a ſtrong body of horſe, under the conduct of Earl Toſti, his brother, had marched to a rendezvous, which he had appointed, in the maritime part of North-Wales. As ſoon as he had intelligence of their being arrived, he landed and joined them with his infantry, which he had embarked for that purpoſe; leaving none but the ſailors and rowers aboard his fleet, which he ordered to cruize as before. The two brothers, after their junction, eaſily made themſelves maſters of all the flat country: but Harold, being ſenſible that heavy-armed ſoldiers were unfit for purſuing the light troops of the Welſh into their mountainous regions, provided his infantry with bucklers of hides, and other armour of a lighter ſort than they uſually wore. The greater part of his cavalry he left in the plains, under the command of his brother; and taking only a few of them, with ſome bands of foot heavy-armed, which he ordered to follow and ſupport the light-armed forces, if they ſhould be repulſed, he boldly advanced into countries, which no Saxon army ever had entered before; marching all the way on foot himſelf, and driving the enemy even from their inmoſt retreats, with a terrible ſlaughter, till they were compelled to ſue for peace at the diſcretion of the conqueror. Proud of having ſurmounted the ſtrong barriers which nature had oppoſed to his paſſage, and of having ſubdued this warlike people, he ſet up pillars of ſtone in ſeveral places to which he had carried his victorious arms; as trophies and monuments of his fame to poſterity. Giraldus Cambrenſis aſſures us, that, in his time, they were ſtill remaining

ing there, with the following Latin inſcription, reſembling thoſe of the Romans in ſimplicity and conciſeneſs, engraved upon each of them, HIC FVIT VICTOR HARALDVS.

Probably, the Welſh would have better defended their country, if they had been under the conduct of Gryffyth, their ſovereign: and, as in all his former life he had ſhewn ſo much courage, we may reaſonably conclude, that he would not ſo ſhamefully have abandoned his people through the whole courſe of a war which he himſelf had brought upon them, if the Engliſh navy, which continually guarded the coaſt, had not prevented his return into any part of North-Wales. Certain it is, that he did not come back to them, till the latter end of ſummer in the following year, after they had been forced to ſubmit to Harold; and then he found them ſo incenſed at having been left by him in the time of danger, and ſo averſe to any thoughts of renewing the war, that, inſtead of aſſembling themſelves under his ſtandard, as he urged them to do, they ſent his head to Harold, together with the prow of the ſhip, or galley, in which he returned. The Welſh chronicle tells us, that they were inſtigated to this treaſon, by Blethyn and Rywallon, his mother's ſons, whom Harold had made kings of North-Wales and Powis-land, as he had alſo given South-Wales to Meredyth, the eldeſt ſon of Owen, whoſe father Edwin had been expelled from that kingdom by Gryffyth. This valiant prince had ruled all Wales during four and thirty years, a very long reign for any king of that nation! Thoſe appointed by Harold were obliged to take an oath of fealty to Edward, and pay him the full tribute that ever had been paid to any of his predeceſſors. Thus, by the valour and good conduct of that earl, was the ſovereignty of England over the princes of Wales more completely eſtabliſhed than it had ever been before. But he built no caſtles in the country, nor did he plant any colonies of Engliſh there, without which it was impoſſible, that the ſubjection of a people ſo uſed to arms, and ſo impatient of diſhonor,

V. Flo. Wig. et S. Dunelm. ut ſupra.

Welſh Chron. from p. 109 to 115.

diſhonor, could long continue. After his death they regained their independence: during which they were continually and moſt grievouſly diſturbed with deadly feuds, till the year of our Lord one thouſand and ſeventy eight, when Gryffyth ap Conan, and Rhees ap Tewdor, having united their arms, made themſelves entire maſters of North and South-Wales. The claim of theſe princes to thoſe dominions was good; Gryffyth being deſcended from the eldeſt ſon of King Roderick, and Rhees from the eldeſt ſon of Howell Dha: beſides which they were valiant men, a qualification the Welſh regarded more than any other pretenſions. Gryffyth, in gaining the ſovereignty of North-Wales, was aſſiſted by an army, which he procured from the king of Ulſter, whoſe ſiſter he had married, while he and his father Conan were exiles in Ireland. Upon this revolution, Powis-land, which after the death of Rywellon had been annexed to North-Wales, under the government of his brother, was ſhared between two ſons of the latter, as it ſeems, by an agreement with Gryffyth ap Conan.

Welſh Chron. p. 115. ſub ann. 1079. Huntingdon, l. vii. f. 212.

Such was the ſtate of Wales in the year one thouſand and ſeventy-nine, when William the Conqueror, provoked by ſome incurſions of the Welſh, and having eſtabliſhed his dominion over the Engliſh, came to St. David's with a mighty army; and ſtruck ſuch a terror into all the princes of Wales, that, without reſiſtance, they ſubmitted to do him homage; he demanded no tribute from them; nor could they properly pay it when they became his vaſſals; the feudal laws exempting thoſe who were admitted to homage from all ſuch impoſitions. It does not appear, that any of them rebelled againſt him, or committed any depredations upon the borders of England ſo long as he lived. They alſo kept peace among themſelves: but the very year that he died, the ſons of Blethyn ap Convyn gathered together their forces againſt Rhees ap Tewdor; who was conſtrained to fly to Ireland, where he had potent alliances; and from whence he returned

returned with an army, which, being joined by his friends, enabled him to recover the kingdom of South-Wales. Soon afterwards the earls of Hereford and of Shrewſbury, confederating themſelves with the Welſh on their borders againſt William Rufus, ravaged the counties of Gloceſter and of Worceſter. Nor, when this inſurrection was quelled in England, do we find that the Welſh ſubmitted to the king, or that their princes acknowledged his ſovereignty over them, either by doing homage to him, or paying tribute. But, in the fourth year of his reign, Jeſtyn, lord of Glamorganſhire, which country his anceſtors had governed for ſome ages under the kings of South Wales, having been defeated in a rebellion againſt Rhees ap Tewdor, ſent one of his gentlemen, who had ſerved in the army of England, to ſollicit ſome of the lords and knights of that kingdom to come to his aſſiſtance, with tempting promiſes of rewards and emoluments from him. The propoſal was agreeable to the ſpirit of the times. Robert Fitz-haimon, a gentleman of the king's privy chamber and great baron of the realm, undertook the adventure. Twelve knights, of conſiderable note and diſtinction, were retained in his ſervice, or rather agreed to ſerve under him, with a large body of forces. They joined thoſe of Glamorganſhire, which were ready to receive them, and invaded the territories of Rhees ap Tewdor, who met them near Brecknock, and giving them battle was defeated by them, and ſlain in the action. He was the laſt of his nation who poſſeſſed the ancient kingdom of South Wales entire: for after his death it was diſmembered, and preſently fell to decay. When Jeſtyn found himſelf conqueror (if we may believe the Welſh chronicle) he kept all his engagements with the Normans very faithfully, but broke his word with the Welſh gentleman, he had ſent to them, and to whom he had promiſed to give his daughter in marriage, if he ſucceeded in his negociation. This perſon, whoſe name was Eneon, being fruſtrated of the reward he expected, and burning with reſentment, followed

lowed the Normans, who were already embarked for England, and complaining to them moſt bitterly of his maſter's perfidiouſneſs incited them to turn their arms againſt him. He aſſured them that they might eaſily conquer his country; as from his treaſon to Rhees, he would be deprived of all aid from the other princes of Wales. Upon which, partly out of their regard to the man, and partly being allured by the bait he propoſed to them, they all returned with him, attacked the lord of Glamorganſhire, defeated, and ſlew him. This is the account which is given by Caradoc of Lancarvon; but, according to another very authentic relation of this affair, Jeſtyn refuſed to perform the covenants he had made with the Normans, through the mediation of Eneon, who therefore joined them againſt him. Certain it is that Fitz-haimon, by no other title than that of conqueſt, ſeized on Glamorganſhire, and reſerving to himſelf ſome principal parts, with the ſeignory of the whole, gave all the reſt of that fair and fertile province to be held as fiefs under him, by the twelve knights who came with him, and ſome others who had aſſiſted him, particularly Eneon. The Welſh chronicle ſays, that *theſe were the firſt ſtrangers that ever inhabited Wales ſince the time of Camber.* But ſoon afterwards Bernard de Neufmarché, another of the great Norman barons, conquered the province of Brecknock; and theſe examples exciting the ambition of their countrymen to like attempts, ſeveral of the nobility petitioned the king to grant them lands in Wales under homage and fealty, if, by their own arms, they could win them from the natives; which he did very willingly, as the beſt method of ſubduing that people without any charge or trouble to himſelf, and puniſhing their princes for having withdrawn that obedienee, which they had ſworn to the Engliſh crown in the reign of his father. Accordingly Roger de Montgomery, earl of Shrewſbury, did homage to him for Cardiganſhire in South-Wales; and for all Powis-land, of which he afterwards ſubdued and ſettled ſome diſtricts, particularly, the town and caſtle

See the hiſtory of the winning of Glamorgan, in Dr Powell's Welſh Chron. p. 124.

Welſh Chron. p. 121.

Ibidem, from p. 150. to p. 153.

caſtle of Baldwyn. This important place, which commanded one of the fineſt parts of Wales, adjacent to England, he new-fortified; and called it after the name of his family, which it retains to this day. Arnulph, his younger ſon, obtained likewiſe, in South-Wales, the great lordſhip of Dyvet, named Pembrokeſhire, from the town and caſtle of Pembroke built by him there, in a fertile and open country. The earl of Cheſter, and two of the Mortimers, with many other Norman barons, who were ſeated in the bordering counties of England, became vaſſals to William Rufus for lands belonging to the Welſh in all their three kingdoms, which he diſpoſed of, as forfeited to him by the natives, on account of their rebellion; but of which the ſeveral perſons, on whom he beſtowed them, were to obtain the poſſeſſion at their own charges. Whatever conqueſts they made they endeavoured to ſecure, by immediately building ſtrong caſtles, and, as far as they could, by ſettling in them colonies of Normans or Engliſh. Thus was this laſt aſylum of the Britons broken into, by their enemies, on every ſide. But the ſpirit of the Welſh did not long remain patient under theſe uſurpations. Gryffyth ap Conan, who then was king of North-Wales, and Cadogan ap Blethyn, who poſſeſſed as much of South-Wales as remained unconquered by the Normans, united againſt them; and having defeated them in two or three battles, deſtroyed all their caſtles, except thoſe of Pembroke and Rydcors, and recovered almoſt all Dyvet, Powis-land, and South-Wales. Nor were they content with expelling theſe invaders, but carried their arms, with terrible ravages and devaſtations, into the borders of England, joining all the rage of a barbarous people to the reſentment of freemen, who had lately ſhaken off the yoke of oppreſſion. William Rufus, inflamed with great anger and diſdain, that a nation, which had paid obedience to his father, ſhould dare to attack and inſult him in his own kingdom, raiſed a mighty army, and marched in perſon

Welſh Chron. p. 152 to 156. Malmſb. de W. II. f. 68. 70. l. iv. Huntingdon, l. vii. f. 216. Hoveden, par. I. f. 266, 267.

againſt them. At his approach they retired: he determined to follow them; and entering their country at Montgomery, ſtopped there awhile, till he had repaired in ſome degree the ruined fort: which being done, he tried to penetrate into the interior parts of North-Wales. But the Welſh ſo ſtrongly guarded the defiles of the mountains, the woods, and the rivers, chuſing their poſts with great judgement, and cautiouſly avoiding to fight on the plains, that he made little progreſs. Great rains fell; his horſes died; and his troops were ſo harraſſed with the many hardſhips they ſuffered, that he was obliged to return to England, and leave the war to be proſecuted by the lords of the marches. But although they exerted their utmoſt ſtrength and valour; they found the taſk too hard for them; and, after ſundry defeats, Roger de Montgomery earl of Shrewſbury, William Fitz-euſtace earl of Glocester, with many other noble perſons, having been ſlain; and all their caſtles in thoſe countries, except that of Pembroke, burnt or razed to the ground; William Rufus himſelf thought it neceſſary to march a ſecond time into Wales at the head of a royal army; and made all the efforts to regain the provinces he had loſt, that great courage, excited by the higheſt indignation and ſenſe of ſhame, could produce. Yet ſo valiant were the Welſh, ſo prudent their leaders, and ſuch the difficulties he found in attempting to break through the faſtneſſes of the mountains, that he now ſucceeded no better than in his former expedition.

Vid. auctores citat. ut ſupra.

It is very ſurpriſing, that a king, ever victorious in all his other wars, ſhould in theſe, with an undiſciplined and barbarous nation, have been ſo foiled and diſhonored! William of Malmſbury aſcribes it to the nature of the country, and inclemency of the weather. But, as to the firſt, Harold likewiſe had *that* to contend with; and yet he conquered all Wales. The weather indeed might happen to be better, and more favourable to him than it was to William Rufus; and rainy or ſtormy

ſtormy ſeaſons add much to the difficulty of making war, in woody or mountainous countries: but other cauſes, and not ſo fortuitous, may well be aſſigned, to account for the different ſucceſs of theſe princes. The Norman armies, being chiefly compoſed of horſe, and encumbered with heavy armour, were not able to act among the ſteep precipices, and narrow paths of the mountains, or in the woody vales and deep bottoms; nor could they eaſily be ſubſiſted in thoſe barren places at a diſtance from the ſea: which inconveniences it has been ſhewn that Harold wiſely avoided, by another manner of arming and diſpoſing his forces. The Welſh had, indeed, ſubmitted to the Normans, under the firſt king of that race; being awed by the great name of *William the Conqueror*, and yielding rather to the reputation than force of his arms: whereas thoſe impreſſions were now worn off: they had tried their ſtrength with the Normans, and found it ſuperior in repeated engagements: but the greateſt difference was, that they were now under the conduct of able and ſkilful commanders; which advantage, more important than any other whatſoever, they had been deprived of by the abſence of Gryffyth ap Lhewelyn, their general and their king, when the army of Harold attacked them in the heart of their country.

After the death of William Rufus, his ſucceſſor, Henry the Firſt, ſought to divide the Welſh provinces in Powis-land and South-Wales; thinking that this would be the eaſieſt way to ſubdue them: which policy proved ſo ſucceſsful, that when they had waſted their force in long civil wars, ſome of them, from a neceſſity of aſking his aſſiſtance againſt their foes, became his friends and vaſſals; particularly, Cadogan and Meredyth, ſons of Blethyn ap Convin. He alſo ſtrengthened thoſe provinces of South-Wales which remained under the power of England, by a new colony, very proper to anſwer that intention. During the reign of his father, a great number of

V. Girald. Cambrenſ. Itiner. Cambr. l. 1. c. 11 Malmſb. f 89. ſect. 30. l. v. et f. 68. ſect. 40. l. iv. Flor Wigorn. S. Dunelm et Hoveden, ſub ann. 1111.

Flemings, having been driven out of their dwellings by an extraordinary inundation of the ſea on that coaſt, had come over to England; where they hoped to receive a protection from the queen, who was a daughter of Baldwin earl of Flanders. The king entertained them with great kindneſs and favour, not only out of regard to her patronage of them, but from true notions of policy; to encreaſe, by ſuch an acceſſion of uſeful inhabitants, the wealth and ſtrength of his kingdom. Many of them were afterwards planted by William Rufus in the waſte lands of Northumberland, and about Carliſle; but others were diſperſed all over England, and began, by their multitude, to give ſome uneaſineſs; which Henry took off, and availed himſelf of them to yet more advantage, by ſending them all to ſettle in South-Wales; where he gave them the diſtrict about Tenby and Haverford-Weſt; in which their poſterity remain to this day. They were very induſtrious, yet, at the ſame time, very valiant; ſkilful in huſbandry, manufactures, and commerce, and equally expert in the uſe of arms: ſo that they anſwered all ends which can be propoſed in planting a colony, cultivation of lands, improvement of trade, and defence of the country. William of Malmſbury ſpeaks of them as a ſtrong barrier, which reſtrained the Welſh in thoſe regions from infeſting the Engliſh territories: and certainly ſuch a plantation was a more effectual ſecurity than any fortreſs or bulwark.

V. Malmſb. ut ſupra.

As for North-Wales, Gryffyth ap Conan, the king thereof, had never done homage, or paid tribute, to the crown of England; but, by the ſtrength of his country, had maintained himſelf independent; having loſt only ſome diſtricts in the more open and maritime parts of his kingdom. He remained in this ſtate till the year eleven hundred and thirteen; at which time king Henry, having ſuppreſt the troubles in Normandy, ſecured that dutchy to himſelf, and overcome all the enemies of his greatneſs abroad, received complaints from the

Welſh Chron. p. 173, 174.

the earl of Cheſter, that frequent devaſtations were made in Cheſhire, and parts of Flintſhire, which belonged to the juriſdiction of that earldom, by the king of North-Wales, or by the rulers of provinces under him. Gilbert de Clare, earl of Pembrokeſhire, but then called earl of Chepſtow from the chief place of his reſidence, complained alſo that Owen, the ſon of Cadogan ap Blethyn, harboured and maintained ſome bands of robbers, who infeſted his country. Henry ſwore in his anger, that he would not leave one Welſhman alive in Powis-land or North-Wales; but, after having extirpated all that nation, would plant in each of them new colonies of his own ſubjects. To execute this, he drew together the whole force of his kingdom: and Alexander the Fierce, who then reigned in Scotland, came and ſerved him in perſon, at the head of a conſiderable body of Scotch. Three armies were formed; one under the conduct of this prince and the earl of Cheſter, which was deſigned to attack North-Wales; another, led by the earl of Chepſtow and Pembroke, which was ordered to invade thoſe diſtricts of South-Wales, that were ſtill poſſeſſed by the natives; and a third, commanded by the king of England himſelf, with which he propoſed to conquer all Powis-land. But upon his approach to that country, Meredyth ap Blethyn, intimidated by the dread of impending deſtruction, went and delivered himſelf up to his mercy; and Owen ap Cadogan fled to Gryffyth ap Conan. Henry then changed his firſt deſign; and joining his forces with thoſe of the king of Scotland and the earl of Cheſter, invaded North-Wales. But all the people of that realm having retired to the mountains, and carried away all their cattle and proviſions, according to the orders which their king had prudently given, theſe great regular armies could not purſue them, for want of ſubſiſtence, or from the impracticability of the country itſelf: and ſome detachments, that attempted to do it, were attacked by the enemy in the ſtreights of the mountains, and either cut to pieces, or repulſed with loſs and diſgrace.

grace. Under theſe difficulties Henry had recourſe to negociation, and artfully raiſed a jealouſy between Owen and Gryffyth, by making each of them imagine, that the other was treating a ſeparate peace for himſelf. Thus, with the aſſiſtance of Meredyth, whom he chiefly employed in this buſineſs, he brought them both to ſeek his friendſhip, on ſuch conditions as juſt ſufficed to ſave his honor, but were not anſwerable, either to the great deſigns he had formed, or the extraordinary forces he had raiſed. For though, in conſequence of this treaty, a large ſum of money was paid to him by Gryffyth, perhaps as a fine, or compenſation, for the ravages made in Cheſhire and Flintſhire, we are not told, even by the Engliſh or Norman writers, that the Welſh monarch ſubmitted to do him homage. And the fine received was by no means adequate to the expence of the war. Nor did Henry acquire one foot of ground in the kingdom of North-Wales, or drive out any of the ancient inhabitants, or plant any new colonies of Engliſh or Normans, either in that country, or in Powis-land. The earl of Chepſtow indeed appears to have ſubdued thoſe diſtricts of South-Wales which were then poſſeſt by the natives: for, though the Welſh chronicle takes no notice of what he performed in this war, we find by it ſoon afterwards, that the whole of that kingdom, *as it had been enjoyed by Rhees ap Tewdor*, was in the hands of King Henry; from whence it may be inferred, that the reduction of it was now entirely completed.

Welſh Chron. p. 175, 176.

But, after ſome years, new diſturbances aroſe in that country, from the pretenſions of Gryffyth the ſon of Rhees; who, when his father was ſlain in the battle againſt Robert Fitz-Haimon, had been conveyed into Ireland, and remained there till the year eleven hundred and thirteen; which was about the twenty fourth or twenty fifth of his age; when he was permitted to return and viſit his ſiſter, who, many years before, had been miſtreſs to Henry, and was mother to Robert earl of Gloceſter.

ceſter. After her commerce with the king was broken off, Gerald de Windſor, a Gentleman much eſteemed for his valour and his prudent conduct, being then governor of Pembroke caſtle, obtained her hand, and was made, by her intereſt, lieutenant to Henry over a part of that province. With him Gryffyth was allowed to remain for ſome time, unmoleſted by the king: but ſuſpicions ariſing that he began to carry on intrigues with the Welſh, whoſe affection to their natural princes was ſtill unſubdued in their hearts, orders were ſent to arreſt him; which being informed of, he implored the protection of Gryffyth ap Conan, the friend of his father, who aſſured him, he ſhould be ſafe within the bounds of North-Wales.

Welſh Chron. ut ſupra.

When Henry received intelligence of his being gone thither, he wrote a letter to that king, in terms of great friendſhip, deſiring him to come and confer with him in England: which requeſt being complied with, he received him very honorably, and gave him great preſents, ſuch as the poverty of the kings of North-Wales had not been accuſtomed to, and which therefore had a great effect on his mind. After having thus engaged his affections, he diſcourſed with him in private, concerning the ſon of Rhees ap Tewdor, whom he repreſented as one whoſe ambition would diſturb the peace of all Wales. The integrity of Gryffyth ap Conan was corrupted by theſe ſeductions. When he returned to his kingdom, he commanded a body of ſoldiers, whom he kept in readineſs for his ſervice upon any occaſion, to go and ſeize the perſon of Gryffyth ap Rhees; who, being advertiſed of his danger, took refuge in a church. The Welſh, of all Chriſtian nations, were the moſt ſuperſtitious in the reſpect they paid to holy places, allowing all criminals, even murderers and traitors, to have a ſecure protection there, not only for themſelves, but for their ſervants, and even for their cattle; to feed which laſt conſiderable tracts of paſture land were aſſigned, in the whole compaſs whereof they were ſacred and inviolable. Nay, with relation

V. Girald. Cambrenſ. Cambriæ deſcript. c 8

to ſome of the principal churches, ſuch as that of Aberdaron, to which Gryffyth ap Rhees had recourſe, the right of ſanctuary was extended as far as the cattle could range in a day and return at night. Yet the king of North-Wales, having violated his promiſe, and the laws of hoſpitality, ſcrupled not to infringe the privileges of the church; and ordered the prince to be dragged out of his aſylum by force. In doing this he expoſed his authority to ſome danger. His ſoldiers endeavoured to execute his orders; but they were ſtrongly oppoſed by the whole clergy of the country; with whom the people took part, not only from their bigottry, but from compaſſion and love for an innocent Britiſh prince, the laſt deſcendant of a long line of kings, whoſe memory they reſpected, ſacrificed now, by a perfidious and inhoſpitable policy, to an odious, foreign power.

Welſh Chron. ut ſupra.

The contention about him continued till night came on; and before morning he was ſecretly conveyed to Stratywy, a woody region of South-Wales; where having aſſembled his friends he made a ſharp war againſt the Flemings and Normans, taking and burning ſome caſtles, and threatening even that of Caermarthyn, which king Henry had made his royal ſeat in that kingdom. Thoſe who had the charge of it, diſtruſting their own ſtrength, as inſufficient to maintain it, ſent for the nobles of the country, who were vaſſals to the king, and committed to their cuſtody both the caſtle and town, requiring each of them, with the aſſiſtance of his own men, to defend them by turns, for fourteen days. Owen ap Caradoc, who was a grandſon by his mother to Blethyn ap Convyn, firſt received this commiſſion; and, notwithſtanding his near relation to Gryffyth ap Rhees, acted agreeably to the truſt repoſed in him, and the oath of fealty he had taken: for that prince making a ſudden aſſault on the town, he ran to oppoſe him; but, being forſaken in the action by moſt of his men, was ſlain upon the rampart. The town was pillaged and deſtroyed; and Gryffyth returned to the foreſt of Stratywy, like a lion to his den, from whence he frequently iſſued, and ravaged the whole country. The ſpoils his followers had gained in the plunder

of

of Caermarthyn, and the reputation he had won by that exploit, drew to his ſtandard great numbers of his countrymen in South-Wales, who confidently hoped that he would recover the kingdom of his father. Thus ſtrengthened he vigorouſly purſued his ſucceſs, and in a ſhort time deſtroyed two caſtles of the Engliſh; upon the fame of which actions the people of Cardiganſhire voluntarily ſubmitted themſelves to his government; calling him to deliver them from the deteſted and ignominious yoke of the Normans. Much pleaſed with this invitation he entered that country, and by the moſt rapid ſucceſſes made himſelf maſter of it as far as Aberiſtwyth, which town he beſieged; but, being there drawn into an ambuſh laid for him, he was defeated, and compelled to quit the province. Nevertheleſs he maintained himſelf againſt all his enemies in the woods of Stratywy, till at laſt king Henry, who had vainly endeavoured to deſtroy him, by ſending againſt him Owen the ſon of Cadogan, a wicked but valiant prince, conſented to aſſign him other lands in South-Wales: but he did not long remain in poſſeſſion of this grant, being driven out, upon accuſations brought againſt him by the Normans, which the Welſh chronicle ſays were falſe. In the mean while, ſome of the Welſh in Powis-land having revolted, the Engliſh monarch once again marched thither in perſon to chaſtiſe the rebels. In paſſing a defile, he was ſtruck by an arrow on the breaſt. If his habergeon, or coat of mail, had not been ſtronger than uſual, the wound would have been mortal: but the ſkill of his armourer ſaved him. We are told by the Welſh chronicle, that this was a mere random ſhot, made at the Engliſh by a Welſhman, who, with others of his countrymen, had been poſted by their maſter, Meredyth ap Blethyn, to guard the paſs. But William of Malmſbury ſays, that Henry was marching, not in the enemy's country, but his own; and that when he felt the blow, he ſwore, *by the death of our Lord*, his uſual oath, that the arrow came not from a Welſh, but Engliſh bow. He never was able to diſcover

Welſh Chron. from p. 130. to 183.

Welſh Chron. ſub. ann. 1122.

De Hen. I. f. 89. c. 30.

Welſh Chron. ut ſupra.

ver the traitor: and the danger he had run made him prudently deſirous of ending the war; which he did, ſoon afterwards, by a negotiation with Meredyth, who ſubmitted to pay him a thouſand head of cattle, and a ſmall ſum of money, as a fine for the treaſons committed in this inſurrection by himſelf and his nephew; on which terms he very willingly granted to theſe princes pardon and peace, and returned into England. Gryffyth ap Conan, though ſtrongly ſollicited, took no part in this war againſt the Engliſh; nor do I find any proof, that Meredyth was excited to it by a ſecret confederacy with Gryffyth ap Rhees.

Ord. Vital. ſub ann. 1134, 1135.

A year before the death of Henry, while he was in Normandy, there aroſe ſome diſturbances, in and about thoſe diſtricts of Pembrokeſhire where the Flemings were ſettled. For the natives were impatient of theſe ſtrangers among them; and they, being very ſenſible how much they were hated, killed without mercy, or form of trial, any of the Welſh who were diſcovered by them lurking about in their woods, from an apprehenſion that they came with an intent to commit ſome murder or robbery; which, it muſt be acknowledged, the manners of that people gave them cauſe to ſuſpect. But as bare ſuſpicion could not juſtify ſuch a lawleſs proceeding when the nations were at peace, and fellow-ſubjects under the protection of the ſame king, the Welſh were reaſonably provoked at theſe acts of hoſtility, and ſome of the braveſt, who dwelt upon the borders of the Flemiſh plantations, ſuddenly taking up arms, aſſaulted the caſtle of Paine Fitz-John, burnt it to the ground, and maſſacred all the inhabitants, men, women, and children: after which, poſting themſelves in the moſt inacceſſible retreats of their woods, and gathering numbers to join them, they infeſted from thence the whole country of the Flemings. Henry thought this inſurrection of conſequence enough to demand his preſence in Wales at the head of an army, which he prepared for that purpoſe: but the intended expedition was ſtopt by his diſ-

putes with Geoffry, his ſon in law, and by his death, which ſoon followed.

As ſoon as the news of that event was brought into Wales, the ſpirit of revolt became much more diffuſive; and even Gryffyth ap Conan, who, from a perſonal regard for Henry, had been many years a ſteady friend and ally to the Engliſh, now turned againſt them; confederating himſelf with the rebels of South-Wales. King Stephen was hardly ſeated in the throne, when theſe made an incurſion into the county of Pembroke, and cut to pieces a very conſiderable body of Normans: after which, being animated by their ſucceſs, they over-ran the whole country, except the fortified towns and caſtles, maſſacring all the foreigners, wherever they came. Richard, eldeſt ſon of Gilbert de Clare, to whom all Cardiganſhire had been given by Henry, was treacherouſly ſlain by Morgan ap Owen, in the courſe of this inſurrection; and the county thus deprived of its chief governor and commander, was furiouſly attacked by Owen Gwyneth and Cadwallader, ſons of Gryffyth ap Conan, who, with the aſſiſtance of ſome nobles, or chieftains, of South-Wales, took and deſtroyed the caſtle of Aberiſtwyth, and two or three others in that province, though ſtrong and well garriſoned. Theſe fortunate beginnings having excited their friends to ſupport them, they received great ſupplies, and were joined by Gryffyth ap Rhees, who had married their ſiſter. The three brothers, with united forces, ſubdued the whole country, as far as to Cardigan, then called Aberteivy, driving out all the foreigners, and peopling it again entirely with Welſh. Againſt them came Stephen, conſtable of Aberteivy, who, after the deceaſe of Gerald de Windſor, had married Neſta, his widow; two ſons of Gerald, and other barons who had eſtates in thoſe parts, with all the power of the Normans and Flemings in Wales or the marches, which they had drawn together, in order to recover what was loſt of the Engliſh dominions, or, at leaſt,

V. Geſt. Reg. Steph. p. 930, 931, 932. Continuat. ad Flor. Wigorn. ſubann. 1135, 1136, 1137. Brompton's Chron. ſub. iiſdem annis. WelſhChron. p. 188 to 190.

to defend what remained. But the valour of the Welſh ſeemed to be raiſed above its uſual pitch, under the conduct of thoſe princes by whom they now were commanded. The Engliſh were routed, and flying to their caſtles were ſo hotly purſued, that great numbers of them were drowned in the river Teivy, by the breaking down of a bridge, over which they were paſſing; beſides three thouſand, who were killed in the battle and flight, and many more taken priſoners: inſomuch, that, from the time when the Normans firſt entered Wales, they never before had received ſo great a defeat; nor had their arms been ſo diſgraced in any other country. The Welſh uſed their victory with the utmoſt inhumanity, thinking exceſs of revenge a virtue, and, according to the nature of a barbarous people, knowing no moderation when ſucceſsful. Soon after this battle, the caſtle of Aberteivy, with many diſtricts in other parts of South-Wales, fell into their hands. The ſiſter of the earl of Cheſter, who, after the murder of her huſband, Richard de Clare, had retired to one of his ſtrongeſt caſtles, was now beſieged in that fortreſs by theſe mercileſs enemies in want of neceſſary proviſions, and expecting, every hour, a fate more cruel than death itſelf: for they had expoſed their female captives, even thoſe of the higheſt rank, to public proſtitution. She quite deſpaired of relief; the Engliſh being all ſlain, or driven out of the country; her brother far off, and ſo taken up in defending the earldom of Cheſter, that he could not be able to bring her a timely aſſiſtance. In this dreadful ſtate ſhe was preſerved by the courage and good conduct of Milo Fitz-Walter, then conſtable to king Stephen, and afterwards made earl of Hereford by the empreſs Matilda, of whom much has been ſaid in the former book. This nobleman, being in Brecknockſhire, which he had obtained from King Henry together with his wife, the daughter and ſole heireſs of Bernard de Neufmarché the firſt conqueror of that province, received orders from Stephen to uſe his utmoſt efforts to deliver the unfortunate counteſs of Clare. The

V. G. Camb. Itiner. Camb. c. ii. l. i.

enterprize

enterprize appeared to be almoſt impoſſible: but his pity of her diſtreſs, and the gallant ſpirit of Chivalry, no leſs than his obedience to the commands of his ſovereign, made him attempt it. He inſtantly marched, with a body of choſen troops, along the tops of the mountains, and moſt unfrequented paths of the woods with which the country there was covered, and arriving at the caſtle, unſeen by the enemy, who thought it inacceſſible on that ſide to the Engliſh, carried off the lady and all her attendants: an action reſembling thoſe of the knights in romances!

It does not appear, that, during all the courſe of this war, Glamorganſhire ever was attacked by the Welſh; though the opportunity ſeemed to be favourable; the earl of Glouceſter, who was lord of that province by his marriage with the heireſs thereof, having been abſent from thence almoſt the whole time. But as that nobleman, on the mother's ſide, was lineally derived from the kings of South-Wales, and baſtardy, by the cuſtoms and laws of the nation, was accounted no ſtain, the Welſh might naturally conſider him as a prince of their own, and for this reaſon might allow him a portion of that kingdom his anceſtors had enjoyed; eſpecially as he was alſo the ſon of a king whom they had greatly reſpected.

When the conqueſt of Cardiganſhire was entirely completed, the land was divided among the confederates. In the following year, eleven hundred and thirty ſeven, died Gryffyth ap Rhees, who, in the Welſh chronicle, is called *the light, honor, and prop of South-Wales*; and his death was quickly followed by that of Gryffyth ap Conan, ſtyled by the ſame hiſtorian *the only defence and ſhield of all Wales*. Both indeed were princes of uncommon abilities, eſpecially the latter, who had reigned fifty years in a country ſo liable to changes of government, and by his valour and policy, had not only preſerved

Welſh Chron. from p. 191 to 194.

preſerved it from inteſtine commotions, but freed it from its former ſubjection to England. After his death his dominions were divided among his ſons; but the ſovereignty was in the eldeſt, Owen Gwyneth. They continued ſometime in fraternal concord and amity one with another; their ambition being employed in endeavouring to expel the Engliſh and Flemings from every part of South-Wales. At the beginning of Owen's reign, he and his brothers made an inroad into that kingdom; took ſome caſtles that the Normans had lately built in Caermarthenſhire; and burned to the ground, a ſecond time, the town of Caermarthen. King Stephen ſuffered much, both in reputation and dominion, by all theſe loſſes in Wales: but a nearer concern employed his thoughts, how to ſecure to himſelf the crown of England. The urgent neceſſity of reſiſting the attempts of the Welſh had been aſſigned as a reaſon for giving him that crown; but he judged it more neceſſary to reſtrain and ſubdue the opponents of his title than the enemies of his kingdom; and therefore left the defence of the Engliſh territories in Wales, and the bordering counties of England, to thoſe who were more immediately intereſted in them, the proprietors of the lands, and the lords of the marches; only ſupplying them with large ſums of money: which proving ineffectual, he thought it expedient to make peace with the Welſh, by leaving them all they had conquered, free of homage or tribute. At leaſt it does not appear, that any ſuch mark of his ſovereignty over them was ever paid to him by any of their princes in North or South-Wales. Yet, by theſe ſhameful conceſſions, he only ſtopped them awhile from further hoſtilities; but loſt for ever the affections of all his Engliſh ſubjects in Wales and the borders. It appears that all the noble families, except that of Clare, which had any poſſeſſions or grants within the Welſh confines, and all the counties of England contiguous to Wales, declared for Matilda, and adhered to her, during the whole civil war. Nor did the treaty made with Stephen prevent the

Welſh

Welſh princes from ſtrengthening the earl of Glouceſter with a numerous body of auxiliary forces. In the latter years of this reign, the ſons of Gerald de Windſor, and Gilbert de Clare earl of Pembroke, made ſome attempts to recover thoſe diſtricts of South-Wales, which the above-mentioned peace had abandoned to the Welſh, particularly the provinces of Caermarthyn and Cardigan: but they were driven out again by the ſons of Owen Gwyneth and of Gryffyth ap Rhees, after having been defeated in ſeveral battles, and having loſt ſome caſtles, which Gilbert de Clare had rebuilt. Another very ſtrong one, in Flintſhire, had been often unſucceſsfully beſieged by the Welſh, and the garriſon of it much infeſted the neighbouring country, till Owen himſelf came before it, and, notwithſtanding a very obſtinate and valiant defence, took it by ſtorm, and immediately levelled it to the ground. A little before he began this ſiege, he had loſt a favourite ſon, who had diſtinguiſhed himſelf by many brave actions againſt the Engliſh. The weight of that affliction lay heavy on his mind: he ſeemed entirely deprived of all ſenſe of joy: but the glory of this atchievement ſo raiſed his ſpirits, that he ſhook off his grief, and returned to his former pleaſures. If all the Welſh had united under this martial prince, during the weakneſs and confuſion which the long civil war between Stephen and Matilda had brought upon England, they might have driven all the foreigners out of their country: but the diſſenſions that aroſe among their own chiefs interrupted their victories, diminiſhed their force, and made ſome of them friends and confederates to the Engliſh. Madoc ap Meredyth, who then was maſter of almoſt all Powis-land, diſdaining to hold it under the ſovereignty of North-Wales, joined his arms to the earl of Cheſter's, which had been lately victorious againſt the Welſh in thoſe parts, and made an incurſion with him into the territories of Owen. That prince gave them battle; and though their forces were much ſuperior to his, both in numbers and in arms, he entirely

Welſh Chron. from p. 197 to p. 199.

Welſh Chron. p. 199.

Welſh Chron. from p. 193 to p. 204.

tirely routed them, and cut to pieces, or took priſoners, moſt of their men; but the leaders eſcaped by the aſſiſtance of their horſes; the conquering army having none. Hot incurſions were likewiſe made by the ſons of Gryffyth ap Rhees into the territories of Madoc, to revenge his treaſon againſt his country; for ſuch they eſteemed his confederacy with the Engliſh: but while their arms were thus employed, or turned againſt the ſons of Owen, with whom they often had diſputes on the diviſion of conqueſts, the Engliſh and Flemings in South-Wales recovered ſtrength, and were enabled to defend their long-diſputed poſſeſſions.

Such was the ſtate of all Wales, and of the Engliſh plantations, or ſettlements, which had been made there by conqueſt, when Henry the Second aſcended the throne of England. The general character of the Welſh, as it was in thoſe days, has been given with ſo much accuracy, ſpirit, and judgement, in the writings of Giraldus Cambrenſis, a celebrated contemporary author, and one who was himſelf related to them in blood, that I think it will be proper to collect what he has ſaid in different places, and ſet the whole picture before the eyes of the reader. He tells us, that not only the nobility and gentry, but the whole people of Wales, were univerſally addicted to arms: that they gave no attention to commerce, navigation, or mechanical arts, and but little to agriculture; depending for ſuſtenance chiefly on their cattle; and diſliking, or rather diſdaining, any labour, except the toils of war and hunting, in which, from their infancy, they trained themſelves up with unwearied alacrity; military exerciſes, or the ſevereſt fatigues in the woods and mountains, being their conſtant diverſions in time of peace. Their bodies were naturally not robuſt; but, by this manner of life, they became exceedingly active, hardy, and dextrous in the uſe of their arms, and ever ready to take them up, when occaſion required it. To fight for their country, and loſe their lives in defence of its

V. Girald. Cambrenſ. Cambriæ deſcript. c. 8, 9, 10, 11, 12, 15, 17, 18. et Itiner Camb. l. ii. c. 5. et librum ejuſd. de Illaudabilibus Walliæ.

its honor and liberty, was their chief pride: but to die in their beds they thought diſgraceful.

A very honorable teſtimony was given to their valour by King Henry the Second, in a letter to the Greek emperor, Emanuel Comnenus. This prince having deſired that an account might be ſent him of all that was moſt remarkable in the iſland of Britain, Henry, in anſwer to that requeſt, was pleaſed to take notice, among other particulars, of the extraordinary courage and fierceneſs of the Welſh, *who were not afraid to fight unarmed with enemies armed at all points, willingly ſhedding their blood in the cauſe of their country, and purchaſing glory at the expence of their lives.* But theſe words muſt not be taken in too ſtrict a ſenſe, as if they had abſolutely worn no armour: for they uſed ſmall and light targets, which were commonly made of hides, and ſometimes of iron: but, except their breaſts, which theſe guarded, all the reſt of their bodies was left defenceleſs; nor did they cover their heads with caſques, or helmets; ſo that in compariſon of the Engliſh, or other nations of Europe, they might be called *unarmed.* Their offenſive weapons were arrows, and long pikes, or ſpears, which were of great uſe againſt cavalry; and theſe they, occaſionally, either puſhed with, or darted; in which exerciſe the whole nation was wonderfully expert; but, more eſpecially the men of North-Wales, who had pikes ſo ſtrong and well-pointed, that they would pierce through an iron coat of mail: but thoſe of South-Wales, and, particularly the province of Guent, or Monmouth, which was then a part of that kingdom, were accounted the beſt archers, not being inferior, in the uſe of the long bow, to the Normans themſelves.

The common people fought on foot; but ſome of the nobility began now to ride upon horſes bred in their own country, which were high-mettled, and ſwift, but not very ſtrong:

and even theſe gentlemen would frequently diſmount, both in combating, and when they fled; the nature of their country, as well as their diſcipline, being better adapted to foot than horſe. Their firſt onſet was terrible; but, if ſtoutly reſiſted, they ſoon gave ground, and could never be rallied; in which they reſembled other barbarous nations, and particularly the Britons and Celts, their forefathers. Yet, though defeated, and diſperſed, they were not ſubdued; but preſently returned to make war again upon thoſe from whom they had fled, by ambuſcades and night marches, or by ſudden aſſaults, when they were leaſt expected; in which their agility, ſpirit, and impetuoſity, made up what they wanted in weight and firmneſs: ſo that, although they were eaſily overcome in a battle by regular troops, they were with great difficulty vanquiſhed in a war. The ſame vivacity which animated their hearts inſpired their tongues. They were of quick and ſharp wit; naturally eloquent, and ready in ſpeaking, without any awe or concern, before their ſuperiors, or in publick aſſemblies. But from this fire in their tempers they were all very paſſionate, vindictive, and ſanguinary in their reſentments: nor was their revenge only ſudden and violent, when they received any perſonal injury or affront, or while the ſting of it was recent in their minds; but it was frequently carried back, by a falſe ſenſe of honor, even to very remote and traditional quarrels, in which any of their family had been ever engaged. For not only the nobles and gentry, but even the loweſt among them, had each by heart his own genealogy, together with which he retained a conſtant remembrance of every injury, diſgrace, or loſs, his forefathers had ſuffered, and thought it would be degeneracy not to reſent it as perſonal to himſelf: ſo that the vanity of this people, with regard to their families, ſerved to perpetuate implacable feuds, and a kind of civil war among private men; beſides the diſſenſions it excited among their kings and chief lords, which proved the deſtruction of their national union, and conſequently broke their national ſtrength.

They

They were in their nature very light and inconſtant, eaſily impelled to any undertaking, even the moſt wicked and dangerous, and as eaſily induced to quit it again; deſirous of change, and not to be held by any bonds of faith or oaths, which they violated without ſcruple or ſenſe of ſhame, both in publick and private tranſactions. To plunder and rob was ſcarce accounted diſhonorable among them, even when committed againſt their own countrymen, much leſs againſt foreigners. They hardly ever married without a prior cohabitation; it being cuſtomary for parents to let out their daughters to young men upon trial, for a ſum of money paid down, and under a penalty, agreed upon between them, if the girls were returned. The people in general, and more eſpecially their princes and nobles, gave themſelves up to exceſſive lewdneſs; but were remarkably temperate in eating and drinking, conſtantly faſting till evening, and then making a ſober meal; unleſs when they were entertained at the tables of foreigners, where they indulged themſelves immoderately, both in liquor and food, paſſing at once from their habit of abſtinence to the moſt riotous and brutal exceſs: but, nevertheleſs, when they came home, they returned with great eaſe to their former courſe of life; and none of their nobles were led by the example of the Engliſh to run out their fortunes by a profuſeneſs in keeping a table. No kind of luxury was yet introduced into their manner of living; not even a decent convenience, or neatneſs. They ſeemed to be proud of not wanting thoſe delicacies which other nations are proud of enjoying. Their kings indeed, and a few of their principal nobles, had built ſome caſtles, in imitation of the Engliſh; but moſt of their gentry ſtill continued to dwell in huts made of wattles, and ſituated in ſolitudes, by the ſides of the woods, as moſt convenient for hunting and paſture, or for a retreat, in time of war. They had no gardens, nor orchards, nor any improvements about their dwellings, which they com-

monly changed every year, and removed to other places (as the Britons and Celts, their anceſtors, had been accuſtomed to do) for the ſake of freſh paſture and a new ſupply of game.

Their furniture was as ſimple and mean as their houſes, ſuch as might anſwer the mere neceſſities of groſs and uncivilized nature. The only elegance among them was muſick, which they were ſo fond of, that in every family there generally were ſome who played on the harp; and ſkill in that inſtrument was valued by them more than all other knowledge. This greatly contributed to keep up that chearfulneſs, which was more univerſal and conſtant in the Welſh than in the Saxons or Normans.

Notwithſtanding their poverty they were ſo hoſpitable, that every man's houſe was open to all; and thus no wants were felt by the moſt indigent, nor was there a beggar in the nation. When any ſtranger, or traveller, came to a houſe, he uſed no other ceremony, than, at his firſt entrance, to deliver his arms into the hands of the maſter, who thereupon offered to waſh his feet; which if he accepted, it was underſtood to ſignify his intention of ſtaying there all night; and none who did ſo was refuſed. Whatever the number or quality of their gueſts might happen to be, the maſter and miſtreſs of the houſe waited on them, and would not ſit down at table with them, or taſte any food, till they had ſupped. The fire was placed in the middle of the room, on each ſide of which was ſpread a coarſe bed of hemp over a thin mat of ruſhes, where the whole family and their gueſts ſlept together, without even a curtain betwixt them. Their feet lay always next to the fire, which, being kept burning all night, ſupplied the want of bedcloths; for they had no covering but the cloaths they wore in the day.

It was cuſtomary among them to receive in a morning large companies of young men, who, following no occupation but arms, whenever they were not in action ſtrolled over the country, and entered into any houſe that they found in their way; where they were entertained, till the evening, with the muſick of the harp and free converſation with the young women of the family: upon which Giraldus Cambrenſis makes this remark, that of all the nations in the univerſe none were more jealous of their women than the Iriſh, or leſs than the Welſh. In other reſpects their manners ſo nearly agreed, when that author wrote, as to diſcover the marks of a Celtic origin common to both.

One is ſurpriſed in obſerving how abſolutely the Britons, after their retreat into Wales, loſt all the culture they had received from the Romans, and, inſtead of refining the ancient inhabitants of that part of the iſland, relapſed themſelves into their rude and barbarous manners. This is the more wonderful, becauſe the Latin tongue and no contemptible ſhare of its learning were long preſerved in their publick ſchools, and continued, though indeed in a declining ſtate, even down to the times of which I write. They had alſo retained the profeſſion of the Chriſtian religion, but debaſed with groſs ſuperſtitions: Giraldus Cambrenſis informs us, that they paid, in his days, a more devout reverence to churches and churchmen, to the relicks of ſaints, to croſſes, and to bells, than any other nation. Whenever any of them happened to meet a monk, or other eccleſiaſtick, they inſtantly threw down their arms, and bowing their heads implored his benediction. When they undertook a journey into any foreign country, or when they married, or were enjoined by their confeſſors any publick penance, they paid a full tenth of all their goods, which they called *the great tythe*, in the proportion of two parts to the church wherein they had been baptized, and one to their biſhop. How far they

V. Tacitum in vita Agricolæ, c. 21.

they carried their reſpect to aſylums and ſanctuaries has already been mentioned. The exceſs of their ſuperſtition with relation to this point is cenſured by Giraldus Cambrenſis himſelf, as great a bigot as he was; and it certainly muſt have been one principal cauſe, why ſo many murders and other crimes were committed among them. Their hermits were celebrated for ſeverer auſterities than any others in Europe, the vehemence of their temper carrying their virtues, as well as vices, into extremes. Pilgrimages to Rome were their favourite mode of devotion, though they had many ſaints of their own nation, whoſe ſhrines they adored with the blindeſt ſuperſtition. In ſhort, their religion, for the moſt part, was ſo different from genuine Chriſtianity, that either it was prejudicial to civil ſociety, or did it no good.

Welſh Chron. p. 205.

The firſt act of government, relating to Wales, that we find to have been done by Henry the Second, was his ſtrengthening the colony of Flemings in Pembrokeſhire, by allowing ſome of the Flemiſh mercenaries, whom, in the firſt year of his reign, he baniſhed out of England, to go to their countrymen eſtabliſhed in that province, and ſettle among them. This was a very prudent and politick meaſure. For they were as ſerviceable there to him and his realm, as they had been hurtful in England. The former plantation, after the Welſh had ſubdued the bordering provinces, had, with invincible courage, maintained their ground, till the deceaſe of King Stephen. A ceſſation of hoſtilities on the part of the Welſh ſoon followed that event: their princes becoming jealous the one of the other, and more inclined to diſpute among themſelves the poſſeſſion of the conqueſts they had made, than to attempt more, either ſeparately, or confederated together. This reinforcement of brave and veteran ſoldiers was therefore ſufficient to defend the Flemiſh colony; and Henry was contented with thus fortifying that part of South-Wales which was ſtill poſſeſſed by his ſubjects: but as, in the

late civil war, his mother had been affectionately ſerved by the Welſh, and he was embarraſſed with ſeveral more urgent affairs at the beginning of his reign, he ſuffered their princes to retain the provinces, which, under that of his predeceſſor, they had recovered from the Engliſh: yet not by a ceſſion of them, or any acknowledgement of the right of thoſe princes; but by a bare acquieſcence, which left him at liberty to aſſert his own pretenſions to the dominion thereof, and the claim of his ſubjects to the lands, at a more proper ſeaſon. All Powis-land, except ſome diſtricts between the Wye and the Severne, which were held of his crown by the earl of Cheſter and other barons of England, was then under the government of Madoc ap Meredyth, his friend and vaſſal. But the conduct of this prince had rendered him ſo obnoxious to the reſt of his countrymen, and more eſpecially to Owen Gwyneth, that, with a view to his future ſecurity, he diligently employed all his credit with Henry, to incite him to make war againſt North-Wales, in order to reduce it under its former ſubjection to England. Theſe inſtigations were vehemently enforced by Cadwallader, brother to Owen; who, having killed his own ſon in law, the eldeſt ſon of Gryffyth, late prince of South-Wales, in ſingle combat, upon a ſudden quarrel, had been driven out of his country by Owen himſelf, and was now an exile in the court of England; where he ſued to the king for aid to recover his lands. In this ſuit he was aſſiſted by all the relations and friends of his wife, a lady of the noble and powerful houſe of Clare. But, more than all their perſuaſions, the deſire of glory, and a juſt ſenſe of the importance of the object propoſed to him, urged Henry on to this war. He thought it would be a reproach, and a ſtain to his honor, if he ſhould ſuffer any longer a petty prince of North-Wales, whoſe predeceſſors had been tributaries and vaſſals to England in former times, to hold his dominions independent on him, whoſe empire extended ſo far beyond that of any other monarch, that ever had reigned in this iſland. Nor could he, in the high and

Itiner. Camb. l. ii. c. 10. Chron. Norm. p. 993. Gul. Neubrig. l. ii. p. 383, 384. Gerv. Chron. M. Weſtm. et Annales de Waverlen. ſub ann. 1157. Welſh Chron. ſub eod. ann. Brompton Chron. ſub ann. 1158.

and flouriſhing ſtate of his kingdom, be eaſy under the loſs of thoſe provinces of South-Wales, which the weakneſs of Stephen's government, amidſt the diſtractions of civil war, had enabled the Welſh to reconquer from the Engliſh; eſpecially, as neither the ſons of Gryffyth ap Rhees, nor thoſe of Owen Gwyneth, had ever done him homage for the territories they held in any parts of that country. He knew, that none of his ſubjects, who ſtill retained their poſſeſſions within the limits of Wales, could hope to enjoy a laſting tranquillity, unleſs he ſubdued the arrogance of thoſe ambitious princes, and forced them to acknowledge that he was their ſovereign. There was no enterprize, which could be undertaken by him in foreign parts, ſo neceſſary as this; or of equal advantage to his *great intereſt*; that is, to the intereſt of his *regal dominions*. He therefore reſolved to attempt it, and having drawn out of the whole militia of England a very great army, he led it through Cheſhire into Flintſhire, and advanced towards Baſingwerk, a caſtle built by an earl of Cheſter, which the Welſh, in the late reign, had taken and demoliſhed. At this place, or nigh to it, Owen Gwyneth lay encamped, with all the forces he could collect out of a populous nation, in which (excepting the clergy) every man was a ſoldier. He ſeemed determined to ſtay there and give battle to the king; but this appearance was only an artifice, to draw the Engliſh into a narrow and difficult paſs, between two ranges of hills, where he had ſecretly placed a numerous ambuſcade, under the command of his ſons. Henry, too confident in the ſtrength of his army, and not conſulting enough with thoſe who had a more perfect knowledge of the country, fell into the ſnare, and paid dearly for his raſhneſs. When he and his vanguard were engaged in the middle of theſe ſtreights, the Welſh, riſing at once, with the moſt horrible outcries, from under the cover of the woods, that hung over the ſteep and rocky ſides of the paſs, aſſaulted them with ſtones, arrows, and other miſſile weapons. The diſadvantage of the place, the confuſion they were thrown into,

V. auctor. citat. ut ſupra.

into, the diſmay that came upon them, quite diſabled them from reſiſting this unexpected attack. Two great barons, Euſtace Fitz-John and Robert de Courcy, were ſlain. Henry, finding it impoſſible to advance any further, endeavoured to retire back to the entrance of the ſtreights, and with much difficulty performed it; but moſt of the troops, which had compoſed his vanguard, were miſerably deſtroyed, before he was able to diſengage, either them, or himſelf, from this fatal ſituation. Some, who eſcaped by flight, carried their fear along with them, and meeting the reſt of the army, who were advancing in good order to the entrance of the paſs, ſpread among them a report of the death of the king: upon which, Henry de Eſſex, hereditary ſtandard-bearer of England, was ſeized with ſuch a terror, that he threw to the ground the royal ſtandard, and cried aloud, "The king is "ſlain!" The conſternation became general; the troops fell into diſorder; the Welſh perceiving it, iſſued forth, and attacked them with great fury; the whole army would have been routed in the moſt ſhameful manner, if Henry, at this inſtant, had not ſhewn himſelf to them, and, with a countenance full of alacrity, encouraged, rallied, and led them on to the charge. Animated by the joy of ſeeing him ſafe, they quickly drove the enemy back into the wood. He then drew off his forces, and encamping them in a ſtation where he had nothing to fear, deliberated with his barons and other principal officers, what meaſures he ſhould purſue in the management of the war, againſt ſuch dangerous enemies, whoſe valour he found ſo prudently conducted. The plan, he now formed, was, to leave upon his left the tract of woody hills, through which he had ſo unhappily attempted to paſs, and march along the ſea-ſhore, till he ſhould get beyond Baſingwerk, to the back of the poſt the Welſh had taken; at the ſame time ordering his fleet (as Harold had done) to cruize along the coaſts, and make deſcents upon the open parts of the country. But, when Owen was informed of theſe reſo-

lutions, he retired to a ſtrong poſt in the mountains of Snowden, and there encamped. Henry immediately ſubdued all Flintſhire; and, to ſecure his poſſeſſion, made roads for an army to paſs without difficulty thro' the whole province; cut down the woods; rebuilt the important caſtles of Ruthlan and Baſingwerk; began that of Flint; and founded a houſe for the Knights Templars, which was a new kind of garriſon, unknown before in that country, but as uſeful as any other to bridle the Welſh. While he was employed in theſe works, Owen, dreading the conſequences of their being completed, came down from the mountains, and advanced to the borders of Flintſhire. Several ſkirmiſhes happened afterwards between the two armies, but no general action; the Welſh prince being afraid to venture a battle in an open or level country, and the king of England, inſtructed by the loſs he had ſuffered, as carefully avoiding to expoſe himſelf, or his army, to any more ambuſcades. In the mean time a great fleet, aſſembled at Cheſter by his orders, had ſailed from that harbour, and aſſiſted his operations in Flintſhire; after which he ſent it to infeſt the other coaſts of North-Wales, under the command of Madoc ap Meredyth, whom he employed in this ſervice, to render the enmity between him and his countrymen more irreconcileable. Some of the forces of that prince, in conjunction with the Engliſh, made a deſcent on the iſle of Angleſey; where they ravaged the country, and plundered even the churches, without reſiſtance: but as they were returning to their ſhips, overloaded with ſpoils, the whole ſtrength of the iſle fell ſuddenly upon them, and cut them to pieces. Yet, though this attempt was ſo unfortunate, Owen, finding himſelf unable to hinder the Engliſh from ſubduing or deſolating the moſt fertile parts of his maritime provinces, and preventing the importation of corn from abroad, was very uneaſy for fear of wanting proviſions, if he ſhould either remain long in the poſt he had taken, or ſhut himſelf up with his army in the deſarts of Snowden. He therefore ſued for peace; which

Henry granted him on ſuch terms, as were both advantageous and honorable to England; namely, that Owen ſhould do him homage, yield up all the diſtricts and caſtles in North-Wales, which, during the reign of King Stephen, had been won from the Engliſh, and deliver two of his ſons as hoſtages for his future fidelity. He alſo obliged him to reſtore the lands of his brother Cadwallader; by which that prince was confirmed in his attachment to England, and others of the Welſh nation were encouraged to deſire its protection and favour. Having obtained theſe great points, and put ſtrong garriſons in the caſtles of Ruthlan and Baſingwerk, he left the remains of the war to be proſecuted by the Lords of the Marches againſt the inferior Welſh princes, who, he ſuppoſed, would not long continue in arms, after Owen had ſubmitted. Nor was he miſtaken in his judgement. For, at the beginning of the following year, all the princes of South-Wales, except Rhees ap Gryffyth, and all the leſſer chieftains and nobles of that country, came to him in England, and there received from him the conditions of a peace, which he accorded to them on their making a full ceſſion to him of all the territories or lordſhips, which had been won from the crown or ſubjects of England in the reign of his predeceſſor, and doing him homage for their own patrimonial eſtates. As for Powisland, the much greater part of that country was then under the government of Madoc ap Meredyth, who held it of him by liege homage; and the reſt was in the hands of ſeveral Engliſh lords, except perhaps a few diſtricts, conquered from them by the Welſh during the courſe of the war, and allowed by the king to continue in their poſſeſſion, upon their becoming his vaſſals. But no quiet or perfect ſettlement could be made of South-Wales, while Rhees ap Gryffyth remained unconquered. The great ſpirit of that prince could not patiently endure to ſee the dominions, which for many ages had belonged to his illuſtrious anceſtors, torn by the arms of ambitious foreigners from him and his children. He commanded

V. auctores citat. ut ſupra.

V. auctores citat. ut ſupra.

manded his people to remove their flocks, herds, and other goods, to the deſart of Tywy, and made war on the king of England, though deſerted and betrayed by all his confederates. Henry, who eſteemed his courage and magnanimity, ſent him a friendly invitation to come to his court, with an aſſurance that he ſhould be graciouſly and kindly received; but threatened, if he refuſed the favour offered to him, that the whole power of England and Wales ſhould be employed to bring him thither. Having conſulted with his friends what anſwer to return, and being adviſed by them to go, he followed their counſel; and the king, receiving his homage, gave him the ancient demeſne of his anceſtors in South-Wales; but not without taking from him, as hoſtages for his fidelity, two of his ſons; a like ſecurity having been exacted from all the other Welſh princes. Thus was concluded this troubleſome and very dangerous war, with great honor to Henry, who, in the iſſue of it, recovered all the Engliſh poſſeſſions within the confines of Wales, which Stephen had loſt; and did that, which neither his grandfather, King Henry the Firſt, nor William Rufus could do, reſtored to England its ſovereignty over the whole nation, by forcing not only the inferiour princes, but the king of North-Wales himſelf, to hold his territories as a vaſſal, under homage and fealty.

V. Newbrig. l. ii. c. 5. Bromp'on's Chron. ſub ann. 1158.

Some years after theſe events, a quarrel ariſing between Henry de Eſſex and Robert de Montfort, the former was publickly reproached by the latter for his cowardly behaviour in this war, and accuſed of high treaſon. Henry had called him to no account for it, at the time when it happened; imputing it only to a ſudden impreſſion of terror, and not to a wilful or criminal treachery, which there does not ſeem to have been the leaſt reaſon to ſuſpect. Military diſcipline, indeed, might require him to be puniſhed, and the king was ſtrict in that diſcipline (as a wiſe prince will always be); but, in this inſtance, his regard for the honor of a family, which both

both in blood and aliances was very illuſtrious, and ſome compaſſion for an unhappy moment of weakneſs, which future actions might atone for, prevailed over that rigour, which, neceſſary as it is, may ſometimes give way to the dictates of humanity, even for reaſons of prudence. Henry de Eſſex ſerved afterwards in the war of Toulouſe without reproach: but this unfortunate quarrel happening, and one of his peers thus arraigning him of a capital crime, he either demanded himſelf a trial by duel (leſs improper in this caſe than, perhaps, in any other) or agreed to it when offered by his accuſer: and the king, though he diſapproved that barbarous method of trial (as I ſhall have occaſion to ſhew hereafter) could not avoid allowing it at the requeſt of both the parties. He therefore appointed the liſts according to law: the combat was fought in his preſence: Henry de Eſſex was vanquiſhed by his braver antagoniſt; and, if he had ſuffered the legal penalties, muſt have been ignominiouſly put to death, or, at leaſt, have loſt his eyes: but the king, with his uſual clemency, mitigated that doom; permitting him to take the habit of a monk in the abbey of Reading; the only ſtate proper for him; as the rules of Chivalry in thoſe days would not allow him to continue any longer in the world, or hold lands by knight's ſervice, under ſuch a load of publick diſhonor.

Vid. Fitz-Stephen in vitâ S. Thomæ.

During the courſe of the year eleven hundred and fifty ſeven, while Henry was at Cheſter, Malcolm the Third, king of Scotland, came to wait upon him there, and do him homage for the fiefs he held of England, which he did *with a ſaving to all his royal dignities*. The next year he again attended a great council, held by Henry at Carliſle, and was very deſirous of receiving from the hands of that monarch the honor of knighthood: but ſome difference, unaccounted for by any hiſtorian, ariſing between them, Henry would not then confer upon him that favour. Yet they ſtill continued friends; and,

Hoved. Ann. par. ii. et Chron. Mailros. ſub ann. 1157.

Hoveden, ſub ann. 1458.

and, whatever this cloud of diſſatisfaction might be, it was ſoon diſſipated. The Chriſtmas feſtival of the year eleven hundred and fifty eight being celebrated at Lincoln by Henry, upon his return from Carliſle, he wore his crown, as in ſuch ſolemnities it was cuſtomary to do; but held his court *in the ſuburbs*, from regard to an ancient ſuperſtition, which ſuppoſed that great calamities would befal any king who ſhould be crowned *in that city*. Stephen had been the firſt who publickly deſpiſed, and acted againſt this abſurd opinion; but the crown having been afterwards taken from his family, it was confirmed more than ever in the minds of the vulgar. Henry yielded to a folly he could not remove, and, perhaps, in ſo doing he acted wiſely: but although he complied with the people in this inſtance, he did not think with them, if we may judge by his behaviour on another occaſion. For Giraldus Cambrenſis tells us, that as he made ſome ſtay at St. David's, on his return out of Ireland, a woman of the country brought a complaint to him againſt the biſhop, which not being inſtantly anſwered by him in the manner ſhe deſired, ſhe cried out, with great vehemence, ſcreaming and clapping her hands, *Avenge us Lech-laver, avenge our nation, this day, of this man:* nor could ſhe be hindered, by the endeavours of thoſe who were preſent, from often repeating theſe words. Now, this *Lech-laver*, whoſe vengeance ſhe ſo wildly invoked, was a great ſtone, ten feet in length and ſix in breadth, which lay acroſs a ſmall rivulet, in the cathedral church-yard. Probably it had been one of thoſe conſecrated ſtones, which the ancient druids erected in many parts of this iſland; and though Chriſtianity had long aboliſhed the worſhip, the ſuperſtition of the Welſh might ſtill aſcribe to it ſome miraculous power: but what this woman alluded to was a prediction very famous among them, and ſuppoſed to have been delivered by their great prophet, Merlin, that a king of England returning from the conqueſt of Ireland ſhould die upon Lech-laver. Henry, being informed of this by the perſons about him, went and looked

Neubrig. l. ii. c. 9.

Hibernia expugnata, l. i. c. 37.

looked at the ſtone for a few moments, and then paſſing over it ſaid aloud to all there, *Who will hereafter have any faith in the liar Merlin?* from whence I conclude, that he would not have been afraid of being crowned within the walls of Lincoln, if he could as eaſily have ſhewn the vanity of that prophecy, as he did of this; or if he had not judged that the ſuperſtitions of his ſubjects in England required more complaiſance from him than thoſe of the Welſh.

In the ſame year, eleven hundred and fifty eight, was completed a very great and difficult work, which the king had begun two years before; namely, the reſtoring of the money of his kingdom to its due weight and fineneſs. From the continual wants and diſorders of government during the reign of King Stephen, it had been ſo debaſed, that Henry ſaw a neceſſity, for the ſake of the national commerce, to call in the whole and recoin it; an act the more meritorious, as it does not appear that any aid was granted to the crown for defraying the expence of it, or any loſs ſuſtained by the owners of the ſpecie thus brought to the mint! Together with the reſt was gathered in and melted down all that money, which, during the late unhappy times of anarchy and confuſion, many of the barons, uſurping the exerciſe of royal authority, had dared to coin in their own names: and this ſufficiently accounts for none of thoſe coins having ever been found. It was indeed very proper, not to let any memorials remain to poſterity, of ſuch a violation of the rights of our monarchy, in one of its greateſt and moſt eſſential prerogatives.

Dicetoet Annales Waverl. ſub ann. 1158. Hoveden, ſub ann. 1156.

The kingdom of England enjoying now a perfect tranquillity, Henry went over to Normandy, where ſome affairs of importance demanded his preſence. By the death of Conan le Gros, late duke of Bretagne, that dutchy had been thrown into great troubles and diſorders. For this prince having diſinherited his ſon Hoel on an uncertain ſuſpicion of baſtardy, Eudo

Neubrig. l. ii. c. 7. Chron. Norm. p 992. 994. Argentré Hiſt. de Bretagne, l. iv. c. 15.

Eudo earl of Pontieure (now called Pentievre) laid claim to the ſucceſſion in right of Bertha, his wife, the eldeſt daughter of Conan, whom he had married after the deceaſe of Alan earl of Richmond and of the lower Bretagne, her firſt huſband. But the inhabitants of the city and earldom of Nantes, having an affection for Hoel, who, they thought, was unjuſtly deprived of his inheritance, put themſelves under his government. While they were engaged in a war with the earl of Pontieure on this account, his wife Bertha died: which event produced immediately a new competition; Conan le Petit, her ſon by the earl of Richmond, laying claim to the dutchy, and Eudo, his father-in-law, refuſing to reſign it. Much blood was ſhed in this quarrel, but, after various ſucceſſes, the baron de Fougeres, who fought for Conan, took Eudo priſoner; whereupon almoſt all the nobility of Bretagne did homage to the former. During the courſe of theſe troubles the inhabitants of Nantes and its earldom had remained for ſome time under the dominion of Hoel; but finding by experience that he was deficient in ſenſe and courage they afterwards drove him out, as incapable of the government to which they had called him; and he probably died very ſoon, or retired into a convent; no further mention being made of him in the hiſtory of thoſe times. Nevertheleſs his late ſubjects, inſtead of ſubmitting to Conan, elected for their ruler, Prince Geoffry Plantagenet, who, having been lately diſappointed in his deſigns upon Anjou, gladly embraced this occaſion of advancing his fortune. Nor did his brother, King Henry, oppoſe their choice: but on the contrary (if we may believe an hiſtorian of Bretagne) ſupported him againſt Conan; the goodneſs of his nature overcoming all thoſe ſentiments of reſentment, which the paſt behaviour of this prince might have reaſonably excited. And indeed, without his aſſiſtance, the people of Nantes muſt have found it a very difficult enterprize, to maintain that province thus divided from the reſt of the dutchy. He did not even avail himſelf of this new proviſion

Vid. auctores citat. ut ſupra.

Argentré, l. iv. c. 52.

viſion made for Geoffry, to withdraw from him the penſion he had ſettled upon him. But a long poſſeſſion of either was not granted by Providence to this unfortunate prince. Within leſs than two years from his election he died, and left no iſſue. Preſently after his deceaſe Conan ſeized on the earldom as belonging to the dutchy: but King Henry laid claim to it, as heir to his brother, who, I preſume, left it to him by a teſtamentary ſettlement, with the conſent of the citizens and vaſſals of the earldom: for otherwiſe it would be difficult to make out his title; ſince what Geoffry had poſſeſt, not by blood, but election, could never deſcend from that prince to his elder brother by right of inheritance. But he might deſire, on his death-bed, to atone in this manner for his former rebellions againſt him; and his will might be ratified by the nobility and the people; who, having offended, by their paſt conduct, both Conan and Eudo, were afraid of ſubmitting to either of thoſe princes, and could find no potentate who was ſo able to defend them againſt both as Henry Plantagenet. How far they were juſtified in denying obedience to Conan, after the expulſion of Hoel, may be matter of doubt. The beſt excuſe for it is, the latitude, which the ancient Britiſh cuſtoms, that continued to prevail, with regard to the government, there, as well as in Wales, gave to the community in diſpoſing of the right of ſucceſſion. But, whether the title of Henry was juſt or unjuſt, he did not much apprehend any oppoſition thereto, unleſs a jealouſy of his further aggrandiſement in France ſhould induce Louis to take part with Conan, or Eudo, againſt him; and therefore he ſet on foot a negociation, which he had reaſon to believe would hinder that monarch from obſtructing his deſigns. This was a propoſal for a treaty of marriage between Prince Henry, who was now his eldeſt ſon (William, his firſt-born, having died about two years before) and Margaret, the daughter of Louis le Jeune by his ſecond wife, Conſtantia,

Diceto Imag. Hiſt. et Gerv. Chron. ſub ann. 1158. Chron. Norm. p. 994. Neubrig. l. ii. c. 7.

Hiſt. Ludov. vii. Reg. apud. Ducheſne, tom. iv. p. 415, 416.

Conſtantia, princeſs of Caſtile. Both were very young children: but it was the mode of the times to cement alliances and connect families by contracts between royal infants. The offer was joyfully accepted by Louis, who thought it both advantageous and honorable to him; and Conſtantia, his queen, moſt paſſionately deſired it, having no greater object of ambition (as ſhe had no ſon) than to procure for her daughter the inheritance of the kingdom of England, and other territories poſſeſſed by the houſe of Plantagenet. Henry knew this, and meant to avail himſelf of theſe diſpoſitions for more than one purpoſe. Beſides the advantage of not being moleſted in his pretenſions to Nantes, he hoped, by means of this alliance, to recover Giſors, and the reſt of the Norman Vexin, which had been ceded by his father to Louis le Gros. This territory was a frontier of great importance, containing, beſides the ſtrong fortreſs above-mentioned, the caſtles of Neufle and Neufchâtel, with ſome others of leſſer note; which chain of forts, if re-united to the dutchy of Normandy, would form a good barrier for the defence of that country; but remaining in the hands of the king of France would expoſe it to continual danger. Henry propoſed that theſe places ſhould be given by that prince as a portion to his daughter; and, conſidering the greatneſs of the match he offered, the demand was not exorbitant. Overtures being made of this affair to Louis by Henry's chancellor, Becket, the two kings had an interview on the borders of Normandy, in which they agreed on the match, and mutually pledged their faith thereupon to each other: but ſome circumſtances requiring a further diſcuſſion, Louis returned to Paris, and Becket was ſent to negociate with him there.

V. auctores citat ut ſupra.

In the mean time Henry, ſecure of having no oppoſition from the French court, which he had entirely gained by the lure of this marriage, ordered all the military tenants of his dutchy of

Normandy to attend him in arms at Avranches, on the feaſt of St. Michael, declaring his reſolution to make war againſt Conan in the dutchy of Bretagne, if that prince ſhould refuſe to yield to him the poſſeſſion of the city of Nantes with its earldom. While the forces were aſſembling, Becket's negociation was ſkilfully conducted and happily finiſhed. He had been inſtructed to require, that the young princeſs ſhould be immediately ſent into Normandy, and educated there, under the care of her father-in-law, till ſhe ſhould be of an age to accompliſh the marriage. How uneaſy ſoever this ſeparation might be to the fondneſs of her parents, their conſent to it was gained by the addreſs of the miniſter; and thus Henry obtained the cuſtody of her perſon, which was the moſt effectual ſecurity for the performance of the contract, againſt any change in the variable mind of her father. It alſo gave Henry an air of ſuperiority, which he was deſirous to aſſume in this treaty. Becket found greater difficulty in another part of his buſineſs. His maſter required, that Giſors, with the other caſtles and territories that were to be given as a portion to Margaret, ſhould be immediately delivered into his hands. But this was refuſed; and undoubtedly with good reaſon; becauſe a portion is not given upon a contract of marriage, but upon its concluſion. To get over this objection Becket propoſed, that Giſors and the caſtles of Neufle and Neufchâtel ſhould be inſtantly committed to the cuſtody of three knights templars, named by both kings, who ſhould deliver them to Henry, on the day that his ſon ſhould wed the princeſs. This was agreed to, and Henry gained by it a conſiderable advantage, from the neutrality of thoſe places, which commanded his whole frontier, in caſe of a war breaking out between him and Louis. The complaiſance of the latter may not only be aſcribed to his eagerneſs for the match, but alſo to the dexterity of Henry's embaſſador, who excelled in the arts of perſuaſion and inſinuation, to which, upon this occaſion, he added a

Diceto imag. hiſt. p. 532. Heribertus in vit. Becket. Neubrig. l. ii. c. 34. Brompton's Chron. p. 1050.

V. Fitz Stephen in vita S.T.Cantuar.

liberality, that was ſtill more prevailing. If we may believe a contemporary writer of his life, he loaded with preſents every French nobleman, baron, knight, and ſervant of the king or queen: nay, he extended his munificence to the doctors in the univerſity of Paris, to the ſtudents, and to all the principal citizens. The court therefore, and all perſons who could have any influence over the king or his miniſters, were diſpoſed to aſſiſt him in every thing he deſired. The above-cited author adds, that before he departed from Paris, he gave away all his gold and ſilver plate, and almoſt all his ward robe, in which were contained no leſs than four and twenty changes of garments. The magnificence he diſplayed in this embaſſy was prodigious! He had in his own family two hundred knights, with all their attendants, amounting, upon the whole number, to above a thouſand perſons, whom he lodged, fed, and cloathed in new and pompous apparel. Some accounts that are given of the luxury and expence of his table are incredible; but it is certain that he lived with moſt extraordinary ſplendor, and made entertainments to which the French themſelves, the moſt elegant nation on this ſide of the Alps, had not been accuſtomed. The whole kingdom of France was filled with the renown of his immenſe generoſity, which redounded much to the honor and ſervice of his maſter.

Chron. Norm. P. 994.

Having ſo ſucceſsfully concluded his negociation, he would have returned into Normandy; but Louis, to expreſs the ſatisfaction he felt in the union of the two families by means of this match, invited Henry to come to Paris, and receive the princeſs himſelf. The propoſal was agreeable. Henry went thither, and was entertained with all the honors, that the utmoſt civility of thoſe times could deviſe. He received them with an amiable and graceful politeneſs; but, as much as he could, avoided all pompous forms and ceremonies; his mind being too great, and his underſtanding too ſolid, to be fond of

ſuch

ſuch pageantry, or not to be weary of it, even where it was neceſſary to attract the admiration and reſpect of the vulgar.

It is an obſervation of Philip de Commines, that interviews between kings ſeldom produce good effects, but generally rather tend to leſſen their friendſhip than to encreaſe it: and the reaſons he gives for it are very judicious: yet here it proved otherwiſe, from the ſkill and prudence of Henry, who found the ſecret of pleaſing the nobility and people of France, without raiſing any jealouſy or envy in the king. Nor did the pleaſures of Paris engage him ſo entirely, as to divert his attention from weightier matters. He not only took advantage of the good humour of Louis, to gain his approbation of the litigable title to Nantes and its earldom, which he was proſecuting againſt Conan, but, with the aſſiſtance of Becket, whoſe influence over that monarch was become very great, obtained from him a commiſſion to go into Bretagne, and, by virtue of the office of Seneſchal of France, which belonged to the earls of Anjou, judge and determine the diſpute between Conan and Eudo earl of Pontieure, upon the right to that dukedom.

Gerv. Chron. ſub ann. 1158.

The latter of theſe competitors had, ſome time before, recovered his liberty, by corrupting the Baron de Fougeres, into whoſe hands he had yielded himſelf a priſoner, and who had kept him in his own cuſtody, without delivering him to Conan: but the beſt part of the dutchy having ſubmitted to that prince he retired to Paris, and ſoon afterwards ſerved the king of France againſt the earl of Maſcon, a rebellious vaſſal. Fortune was more favourable there to his valour: he defeated the earl, took him priſoner, and delivered him to the king. On the merit of this ſervice he flattered himſelf that Louis would ſupport his pretenſions to Bretagne, and was preparing to begin a war againſt Conan, at the time when this commiſſion was granted to Henry. Conan was now

Argentre hiſt. de Bretagne, l. iv. c. 51, 52.

now in the utmoſt perplexity. Violent ſtorms were apparently gathering againſt him on every ſide. Henry had already ſeized on his earldom of Richmond, and by denying the claim of that prince to Nantes, he might provoke him to decree in favour of Eudo. Finding therefore no ſafety but in obtaining his friendſhip, he went to him at Avranches, on the feaſt of St Michael, the day appointed for the rendezvous of his forces, and made him a ceſſion of Nantes with its whole county; ſoon after which Henry gave ſentence in his favour, and fixed him in the dukedom. It ſhould ſeem that the diſpute was cognizable by Henry, as duke of Normandy, becauſe Bretagne was acknowledged to be a fief of that dutchy; but it would have been eaſy for Eudo to find a pretence of appealing from his court to that of the king of France, as ſupreme lord of both countries, if the commiſſion given to Henry, as Seneſchal of the kingdom, to determine this affair in the name of the king, had not prevented all means of eluding the judgement, and made it definitive. Indeed it was wrong, while the claim of the Engliſh monarch to a province of Bretagne was depending, that he ſhould be impowered to exerciſe ſuch a juriſdiction; and, though his ſentence might be juſt, yet, appearing to be purchaſed by the ceſſion of that earldom, it had an air of injuſtice.

Chron. Norm. et Argentré, ut ſupra.

Preſently after the interview between him and Conan, he went to Nantes, and took poſſeſſion of it with a great army, which may have been neceſſary to guard him againſt the earl of Pontieure. Having ſettled every thing there he marched into Poictou, where the lord of the caſtle of Thouras, on ſome quarrel not explained in the hiſtory of thoſe times, had thrown off his allegiance, and, probably, would have been joined by other noblemen of that province, if the king had been long detained, as they might preſume he would be, by the diſputes in Bretagne: but he came unexpectedly before the caſtle, and took it by aſſault the next day; which rapid ſucceſs put an end to the rebellion begun in thoſe parts, before

fore it could riſe to any dangerous heighth. From thence he returned very haſtily into Normandy, being recalled by his deſire to attend the king of France, whom the accompliſhment of ſome vow, or other act of devotion, brought at this time to the abbey of Mont St. Michel, a Norman town near Avranches, on the borders of Bretagne. It was of the utmoſt importance to Henry, in his intereſts on the continent, to endeavour to preſerve the affection of that monarch, from which he already had drawn great advantages, and hoped to draw ſtill greater. He therefore went to receive him on the frontiers of Normandy, nobly entertained him, with all his retinue, as long as he ſtaid in that dutchy, waited upon him in perſon whereſoever he went, and conducted him back at his return into his own territories. Louis had a temper exceedingly ſenſible to compliments of this nature: they made him look upon Henry, not as a rival king, of whom he ought to be jealous, but as an obſequious, affectionate vaſſal. And, while he gave himſelf up to the illuſion of theſe pleaſing ideas, that able prince purſued, without any interruption, a judicious and well-connected ſyſtem of meaſures for the continual advancement of his own greatneſs in the kingdom of France. Preſently after this time he brought the earl of Blois to yield to him the ſtrong caſtles of Fretteval and Amboiſe, which had been uſurped from Anjou, and the earl of Perche to reſtore two fortreſſes, which had belonged to his demeſne in Normandy, but were unjuſtly taken from it, amidſt the confuſion that followed the death of his grandfather, King Henry the Firſt. In return he conſented that the town of Beleſme ſhould be held of him, under homage, by the laſt of theſe earls. He now had recovered, not at once, as he did in England, but gradually, as occaſions conveniently offered, whatever had been alienated, during the late civil war, from the demeſne of the dukes of Normandy: a great acceſſion of wealth and ſtrength, by which he was in reality no leſs a gainer than if he had conquered a province! Nor could he have

Chron. Norm. ut ſupra. Gerv. Chron. ſub ann. 1158.

Chron. Norm. P. 994.

Chron. Norm. 1153. 1157.

have done it without ſome oppoſition, if the friendſhip he had ſo happily cultivated with Louis had not rendered the nobility, whoſe grants or uſurpations were thus reſumed, afraid of reſiſting him, from a deſpair of ſupport. And, conſidering how much the quiet of that dutchy had been diſturbed, in paſt times, by the intrigues of the barons with the French court, the preventing of ſo great a miſchief would have alone been a reaſon, why Henry ſhould labour, while theſe affairs were tranſacting, to ſecure to himſelf the moſt favourable diſpoſitions, on the part of the king of France; by the moſt ſoothing complaiſance to his humour. He did ſo in one inſtance which is very remarkable, though it has not been taken notice of by any hiſtorian.

Vid. Adriani IV, Papæ ep. 76. apud Ducheſne, t. iv.

It appears from a letter written to that king by Pope Adrian the Fourth, that he had acquainted his Holineſs with a pious intention of going into Spain, to make war on the Moors, which he was preparing to execute, inſtead of undertaking another cruſade againſt the Saracens, or Turks, in the Eaſt. The ſame evidence likewiſe ſhews, that he had propoſed the affair to Adrian, not only in his own name, but in that of the king of England, who was to accompany him in this expedition. But the pontiff very wiſely adviſed him againſt it, becauſe the Chriſtian princes of that country had neither aſked his aſſiſtance nor approved of his coming. The letter is dated the twelfth of the calends of March, but the year is not mentioned. Several reaſons induce me to believe that it muſt have been written in the year eleven hundred and fifty nine, and that the deſign mentioned in it had been formed and agreed upon, between the two kings, about the latter end of the preceding autumn. For Joſeph king of Morocco, the ſon of Abdulmumen of the race of the Almohades, having made himſelf maſter of all the Mahometan empire in Africk, except what was ſubject to the Caliph of Egypt, had paſſed over into Spain, with a very great army in the year eleven hundred and fifty ſeven, to aid the

V. l'Afrique de Marmol. t. i. l. ii. c. 35. Mariana, ſub ann. 1157, 1158.

Moors

Moors in that country, who had ſubmitted themſelves to his government, againſt the arms of Alphonſo, king of Caſtile and of Leon, whoſe daughter Conſtantia was at this time queen of France. Alphonſo dying ſoon afterwards, his dominions were divided between his two ſons. The eldeſt, to whom he bequeathed the kingdom of Caſtile, ſurvived him only one year, and left an infant to ſucceed to his crown. It was then, I imagine, that Louis, being alarmed, and apparently with good reaſon, on account of the nonage of his nephew, thought that the circumſtances of the Chriſtians in Spain called upon him to aſſiſt them againſt the Moors. And he, probably, aſked the aid of Henry in this war, when that prince was his gueſt at Paris, or rather when he went himſelf into Normandy; becauſe, at that time, the diſturbances in Bretagne and Poitou being quieted, and England in a ſtate of perfect tranquillity, Henry had leiſure to engage in ſuch an enterprize. It was very difficult for the latter, upon any occaſion, to reſiſt the impetuous deſires of Louis: but ſtill leſs could he do it in an affair of this nature, where all the enthuſiaſm of that monarch's zeal being kindled, he would not liſten to reaſon, nor endure a denial without the utmoſt reſentment. Yet, as neither the regency of the kingdom of Caſtile, nor the other princes of Spain, had made any application to either king for ſuccour, it ſeemed imprudent and abſurd to force it upon them. The reaſon why they had not was doubtleſs a jealouſy of letting into their country great armies of foreigners, which might in the iſſue be as dangerous to them as the Moors. Nor were they really ſo incapable of defending themſelves as Louis imagined: for the forces raiſed by Sancho, the ſon of Alphonſo, had vanquiſhed the Moors in a great battle ſoon after his death; and the king of Morocco, diſcouraged by that defeat, had ceaſed to attack them, and turned his arms againſt ſome princes of his own religion in Spain, who refuſed to pay him obedience. On the other hand, the late cruſade had ſo much exhauſted

France, that it could ill ſuſtain a further waſte of it's blood and treaſures. Indeed a confederacy againſt the Moors in Spain was far from being ſo irrational as againſt the Mahometan princes in the Eaſt; becauſe all the weſtern Chriſtians, but chiefly the French, and particularly the inhabitants of the dutchy of Aquitaine, had a much greater intereſt to drive thoſe infidels out of that country, than out of Syria or Judæa: but, in their preſent weak condition, it was more adviſeable to poſtpone ſuch an enterprize, and leave the Moors to deſtroy themſelves by inteſtine diviſions. Henry was ſenſible of this, and had other deſigns in view; but he alſo knew that any arguments would have more weight with Louis, if they came from the pope, than if objected by him. The ſeaſon of the year, which was then approaching to winter, would not permit even the zeal of that monarch to think of paſſing the Pyrenean mountains. It would be neceſſary to defer the expedition till the ſpring; and, if the fervour of Louis did not abate in that interval, the cruſade could not be publiſhed without the authority of the pope, from whom the protections, indulgences, and all the other graces annexed to thoſe enterprizes, were to proceed. Henry therefore promiſed Louis to be his confederate: but at the ſame time, he relied on the prudence of Adrian to prevent the execution of ſo raſh a deſign. There is great reaſon to believe he acquainted that pontif with his own thoughts upon it, and ſecretly adviſed him to exhort the king of France againſt the undertaking: for otherwiſe Adrian would have written to him, as well as to Louis, on that ſubject, and would have uſed the ſame arguments to convince him of the unfitneſs of what he propoſed: but no ſuch letter is extant. The French monarch, who conſidered the counſels of Rome as the oracles of God, let drop his intention, as ſoon as a diſapprobation of it was expreſſed by the pope: and thus Henry, without any difficulty, or diſpute with that prince, was freed from his engagement. In the mean time, he had diligently made great levies of men, in Normandy, Aquitaine,

taine, and all the dominions belonging to him in France; which Louis ſuppoſed were intended for the purpoſe of the cruſade, as he himſelf had begun to make the like preparations. But it ſoon appeared that theſe forces had another deſtination.

Henry now avowed his reſolution to revive the pretenſions of his queen on the earldom of Toulouſe; pretenſions, which Louis himſelf, when huſband to Eleanor, had thought well founded. For William the Eighth, duke of Aquitaine, who was grandfather to that princeſs, had married the daughter and heireſs of the earl of Toulouſe, and by that marriage the earldom was annexed to his dutchy, of which, before, it had been held under homage, as a fief: but being in great want of money, on account of his engagement in the cruſade, he mortgaged it to his wife's uncle, Raymond earl of St. Giles, who thereupon aſſumed the title of earl of Toulouſe, and, the mortgage remaining unredeemed, left the earldom to his ſon Alphonſo. But Louis, having married the heireſs of Aquitaine, claimed it, in right of his wife, againſt that prince. The diſpute however was quieted by the intervention of the Holy war, in which both Louis and Alphonſo engaged. The latter died at Jeruſalem, and the king, upon his return, renewed his claim againſt the ſon of Alphonſo, Raymond the Fifth, who, probably, would have been forced to yield the earldom to him, if, by marrying his ſiſter Conſtantia, the widow of Euſtace, eldeſt ſon to King Stephen, he had not amicably compounded the quarrel between them. But all the rights of the dutchy of Aquitaine being afterwards conveyed from Louis to Henry, by the marriage of the latter with the repudiated dutcheſs, he could not be barred from purſuing his pretenſions to this earldom, whenever he might think it expedient to do ſo, by the acquieſcence of the former claimant for reaſons of his own. Yet he did not rely ſo much on the juſtice of his cauſe, as not to put all the force, he

Chron. Norm. p. 995, 996. Neubrigenſis, l. ii. c. 10.

poſſibly could, on his ſide. He therefore confederated himſelf with the earls of Mompellier, of Nimes, and of Blois, who, upon former quarrels, were perſonal enemies to the earl of Toulouſe. Raymond earl of Barcelona was diſpoſed to join in this league, by motives of the ſame nature: but as he was a much greater potentate than any of the others, being poſſeſſed of Provence, and having the government of the kingdom of Arragon in right of his wife, Henry, to fix him more firmly in his intereſt, both now and hereafter, concluded with him a treaty, by which he betrothed Prince Richard, his ſecond ſon, and then an infant, to the young princeſs of Arragon, daughter to Raymond, and promiſed to give them the dutchy of Aquitaine when they ſhould be of an age to conſummate the marriage. As ſoon as he had finiſhed theſe negociations in France, he returned into England a little before Eaſter in the year eleven hundred and fifty nine, thinking it neceſſary to viſit that kingdom, before he began ſo great a war, in which he wanted the aſſiſtance of his Engliſh ſubjects. Being called by ſome affairs to the borders of Wales ſoon after his arrival, he held a great council, or parliament, in the city of Worceſter, where he kept his Eaſter feſtival together with Eleanor, and where they both wore their crowns, as their royal predeceſſors had uſually done on ſuch occaſions. But when they came to the oblation, they laid them down, on the altar, and vowed to wear them no more. What was the occaſion of this vow we are not told: but their following actions demonſtrate, that it is much eaſier to give up the enſigns of royalty, than the love of dominion.

Hoveden, ſub ann. 1159, pars poſterior.

The barons of England engaged chearfully in ſupport of the king's pretenſions to the earldom of Toulouſe; though they might well have refuſed it; as it, certainly, was not a war wherein this kingdom was obliged to take any part, either by alliance

alliance or intereſt. Aquitaine alone was concerned in the quarrel: but all Henry's ſubjects were then ſo well affected to his perſon and ſervice, that they thought his greatneſs their own. Indeed, till much later times, whoever attends to the hiſtory of England will conſtantly find, that when a king governed well, and knew how to keep himſelf on good terms with his barons, they were but too ready to aſſiſt him in any foreign wars, even of ambition and conqueſt. The cauſe of this may be found in the temper and circumſtances of our ancient nobility, who, being illiterate, and ignorant of thoſe elegancies of life which embelliſh and enliven a peaceful ſtate, and finding that military merit, both by the notions of the times and inſtitutions of the government, would moſt advance their reputation and fortunes, were always inclined to draw their ſwords in the quarrels of their ſovereign, if they did not draw them againſt him. But beſides this general inclination, it has been often obſerved, during the courſe of this work, how much our nobles were influenced in their political conduct, by the fiefs that many of them held in thoſe parts of France which were ſubject to our kings. This influence muſt have encreaſed in the reign of Henry the Second, whoſe power abroad was ſo much greater than that of his anceſtors. It is no wonder therefore that he was able to engage the barons of England, and all his military tenants, to aſſiſt him in this war. Nor does it ſeem that the policy of thoſe times ever regarded his dominions upon the French continent as prejudicial to England. Thoſe which were maritime provinces (and moſt of them were ſo) appeared very commodious to the Engliſh, on account of their trade; eſpecially Normandy and Bretagne; which, lying oppoſite to their coaſts, ſecured to that nation the ſovereignty of the whole Britiſh ocean. And this advantage aroſe from all his French territories, that while ſo large a portion of that kingdom was under his government, France had much more to fear from England than England from

from France. For all theſe reaſons his Engliſh ſubjects were more inclined to urge him on to an attempt of this nature, than to oppoſe or reſtrain him. All his nobility followed him to this expedition with incredible ardour: and (what was more extraordinary) Malcolm, the young king of Scotland, attended on him in perſon; the firſt time, and the laſt, that any monarch of that nation ever fought under an Engliſh banner againſt the French! About the middle of ſummer, in the year eleven hundred and fifty nine, the confederate troops were aſſembled from all parts in Guienne, and compoſed ſuch an army, as ſeemed more than ſufficient to ſubdue all the territories of the earl of Toulouſe, if the king of France remained neutral. Thoſe territories indeed were much more extenſive than the diſtrict which at preſent belongs to that city: for they comprehended the Quercy and almoſt all Languedoc. Yet though the power of this earldom was very conſiderable, it was not equal to the force which Henry had drawn from his own dominions in France; much leſs when that force was encreaſed by the aſſiſtance of ſuch potent confederates, and by a formidable army brought over from England. The only valid defence, which could be oppoſed by the earl to an enemy ſo ſuperior, was the aid of Louis, his ſovereign. But Henry had been ſo dextrous, as to prevail on that monarch, to promiſe him that he would take no part in this quarrel: and, from the aſcendant he had gained in all his counſels, he believed he might rely, with the utmoſt ſecurity, on the performance of an engagement ſo agreeable to the tenour of his paſt conduct, But the pathetick remonſtrances of the earl of Toulouſe rouſed the good king from his lethargy. He repreſented to him, with all the eloquence of grief and indignation, that his beſt friends were ſacrificed to his connections with Henry, who, under the name of a vaſſal and the maſk of a friend, was his moſt dangerous enemy; who already was poſſeſt of the better half of his realm; and

V. P. Daniel hiſt. de France, t. iii. p. 12.

V. Fitz-Stephen in vita S. T. Cantuar.

and whom he never could ſatisfy by any conceſſions; ſince ambition, like avarice, increaſes by its gains. That none of his vaſſals would any longer hope protection from him, if he gave up his own brother-in-law to the violence of that prince: and that very hard would be the fate of his ſiſter Conſtantia, if, after having ſeen the dutchy of Normandy torn from her firſt huſband, and given by her brother himſelf to Henry, who had likewiſe deprived the family, into which ſhe had married, of the kingdom of England, ſhe ſhould alſo behold her ſecond huſband deſpoiled of his territories, by the ſame encroaching hand; and this too with the conſent of a brother whom ſhe loved, and whoſe affection ſhe had never deſerved to loſe, by any fault on her part.

The good nature of Louis could not be inſenſible to theſe complaints; nor could he deny that the ſtrongeſt reaſons of prudence and policy called upon him to reſtrain the ambition of Henry from more acquiſitions in France. The motions of his mind were always ſudden and violent; and, when once he was heated, he conſidered no difficulties, and knew no fear. Following therefore the impulſe communicated to him by Raymond, he not only reſolved to aſſiſt him againſt Henry, but, before that monarch had begun the ſiege of Toulouſe, threw himſelf into the city, with only a few ſoldiers, reſolving to defend it to the utmoſt extremity, and regardleſs of the danger, to which, by this temerity, he expoſed his own perſon, and, together with that, the whole kingdom. Henry who had too confidently depended on his promiſe to obſerve a neutrality, was much ſurpriſed and embarraſſed upon receiving this news. Being doubtful how to act, he deſired to hear the opinions of his council. Becket adviſed him to march, without a moment's delay, and aſſault Toulouſe, which, the garriſon being weak and inſufficient to defend it, might be eaſily taken, and with it a more important and more glorious prize,

V. Neubrig. l. ii. c. 10. p. 388.

V. Fitz-Stephen in vit. S. T. Cantuar. Johann. in Quadrilo. c. 9.

prize, the perſon of Louis himſelf, who had ſo imprudently thrown himſelf into it without an army. But others of the council objecting, that it would be too enormous, and too criminal a violation of the feudal allegiance, for a vaſſal to take and hold in captivity the perſon of his Lord, the chancellor anſwered, *That the king of France had then laid down the perſon of Henry's liege lord, when, againſt the engagements and conventions between them, he had oppoſed himſelf to him as an enemy*; and therefore he treated the ſcruple as vain and groundleſs. This opinion was agreeable to the ſpirit and fire of his character; and if the meaſure he adviſed had proved ſucceſsful, it would have added greatly to the glory and renown of his maſter. The pride of the Engliſh nation would have been infinitely pleaſed with ſeeing a king of France taken priſoner by their ſovereign, and brought into England. No equal triumph had yet graced the annals of that kingdom; and no people in the whole univerſe are naturally more ſenſible to any encreaſe of their national honor than the Engliſh. Theſe were ſtrong reaſons for agreeing to the advice of Becket; but others, of no ſmall weight, were urged againſt it. Conſidering the number of the fiefs held under Henry, it was highly for his intereſt, that the feudal principle of an awful reverence, on the part of the vaſſal, for the perſon of his Lord, ſhould by no means be weakened. His own ſecurity depended ſo much upon it, that it was very impolitick for him to ſet an example of diſtinguiſhing it away by particular caſuiſtry, and ſubtilties of argument, which, on other occaſions, might be turned againſt him by his vaſſals. But further, it was very doubtful, whether the other princes and peers of France would ſee the affair in the ſame lights as Becket ſaw it, or allow his reaſoning to be valid. If they did not; if they conſidered the offence done by Henry againſt the perſon of his Lord as an act of high treaſon, which could not be juſtified by the circumſtances of the caſe, he had much to fear from their

their reſentment. Louis, though not highly eſteemed, was beloved by his vaſſals. Many of them, who would not intermeddle in the quarrel between the duke of Aquitaine and the earl of Toulouſe, might take up arms to free their king, and the ſupreme lord of their fiefs, from an ignominious captivity. Indeed a general league of all the princes and peers of France for the deliverance of Louis, and for reſtraining the too formidable power of Henry, was to be then apprehended. The latter, in ſuch a caſe, could not depend even on thoſe who were now his confederates: and thus the war might end, at laſt, with great detriment to him, by ſeparating from him thoſe friends and allies whom he had laboured to gain, and perhaps by the confiſcation of all the territories he held of the crown of France. But there was ſtill a further reaſon, which, added to the foregoing, might poſſibly turn the ſcale in this deliberation. Louis had no iſſue male: his daughters by Eleanor were virtually illegitimated by her divorce: his preſent queen had not bred for three years paſt: if he ſhould happen to die without a ſon, the princeſs Margaret, eſpouſed to the young prince of England, would be heireſs to his kingdom in the courſe of deſcent. Whether the Salick law, or the ancient cuſtoms of the French nation, would bar that right of ſucceſſion, and give a preference to the uncle before the daughter, was a queſtion not yet decided, and more likely to receive its determination from the arms of thoſe who were intereſted in the diſpute, than from the opinions of lawyers. When ſo great a portion of France, as the dutchy of Aquitaine, was allowed to deſcend to a woman, and to be governed by her huſband, that precedent might be naturally extended to the whole; eſpecially, as the huſband of Margaret, being heir to ſo many territories within that realm, might well be regarded as a Frenchman. The great power and intereſt, which Henry had there, with the whole force of England to aſſiſt him in the conteſt, might very probably get the

V. P. Daniel Hiſtoire de France, ſub ann. 1158.

better of all oppoſition from her uncles, and enable that prince to make his ſon and daughter in law king and queen of France. There was ſomething in this idea very flattering to a mind ſo ambitious as his; but to give it any ſolidity, it was neceſſary to avoid, with all poſſible care, whatever might alarm or offend the French, and above all things to be cautious, that no opportunity ſhould be given to Robert earl of Dreux, the king's brother, to put himſelf at the head of any conſiderable party, and get the government of the kingdom into his hands. Now, if Louis ſhould be taken priſoner, that earl would probably be made regent, and in that ſituation it would not be difficult for him, finding his countrymen exaſperated and incenſed againſt Henry, to bring the nation to ſettle the ſucceſſion on him, in caſe of the death of Louis without a ſon. This conſideration, therefore, together with thoſe beforementioned, determined Henry to reject the counſel of Becket, ſpecious and tempting as it was. For, though we are told by ſome writers, it was a ſaying of his, *That the whole world is no more than ſufficient for one great man*, the ſchemes he purſued to promote his greatneſs were always guided by the ſober dictates of policy and prudence. Not even the advice of a favourite, whoſe opinion had the higheſt authority with him, could induce him to ſacrifice a right plan of conduct *to the triumph of a day*; but, notwithſtanding the great vivacity and warmth of his temper, he had patience to wait for that glory, which is the certain but ſlow reſult of a ſeries of wiſe, ſyſtematical meaſures. Inſtead therefore of haſtening to lay ſiege to Toulouſe, while Louis remained in that city, he declared his reſolution, that, *out of reſpect to the perſon of that king, he would not beſiege it*. But, againſt all the territories of Earl Raymond, except his capital only, he held himſelf at liberty to make war, and made it with all his uſual alacrity: ſo that in leſs than three months he conquered the greater part of the earldom of Toulouſe, and took Cahors, the capital of the Quercy, with many

V. G. Camb. et Brompton's Chron. p. 1044.

V. Neubrig. l. ii. c. 10. Dicet. imag. Hiſt. ſub ann. 1159. Chr. Brompt. p. 1051. Chron. Norm. p. 995, 996, 997.

other caſtles and ſtrong places. Nor did Louis oppoſe him in any of theſe enterprizes, contenting himſelf with ſecuring the city of Toulouſe, firſt by his own preſence there, and afterwards by a numerous body of forces, which he brought into it and left there, beſides repairing and augmenting the fortifications. But his brothers, the earl of Dreux and the biſhop of Beauvais, had, by his orders, made ſome ravages on the frontiers of Normandy. At the ſame time Henry ſent home the earl of Blois, to attack the royal domain in the parts about Orleans; which obliging the king to provide for the defence of that country, he could not act very powerfully, againſt the dutchy of Normandy, or in aid of earl Raymond. No exploit of great importance was done on that ſide by either party, through the whole courſe of the ſummer, or during the months of Auguſt and September: but about the beginning of October, Henry, having repaired the fortifications of Cahors, to cover and ſecure his conqueſts in Languedoc, committed it to the cuſtody of his chancellor, Becket, and leaving his allies, the earls of Barcelona, Monpellier, and Niſmes, to continue the war in the earldom of Toulouſe, returned with the main body of his own troops into Normandy; from whence, after he had given ſome repoſe to his ſoldiers, he made an incurſion into the Beauvoiſis, took Gerberoi, a ſtrong fortreſs, and burnt it to the ground, excepting one tower, which the flame and ſmoke of the buildings, that had been fired round about it, hindered his men from approaching. He alſo deſtroyed many villages and farms of that country, in revenge of the cruel devaſtations, which the biſhop of Beauvais had made on the borders of Normandy.

V. Fitz. Stephen in vita T. Cantu. et Johan. in Quadrilogo, c. 9. V. Neubrig. et auctores citatos ut ſupra.

V. Fitz-Stephen in vita S. T. Cantuar. et Johann. in Quadrilogo, c. 9, 10. V. Neubrig. l. ii. c. 10. Dicet. imag. Hiſt. ſub ann. 1159. Chr. Brompt. p. 1051. Chron. Norm. p. 995, 996, 997.

Thus were his arms in all places victorious: but, while he was carrying on theſe warlike operations, he gained no leſs by intrigues. For, in conſequenee of a ſecret treaty, concluded with Simon de Montfort, earl of Evereux, he prevailed upon

that lord to receive Norman garriſons into three of his towns, Montfort l'Amauri, Epernon, and Rochefort; by which he entirely cut off the communication of Paris with Eſtampes and with Orleans. This was an advantage of great conſequence! Louis, who felt himſelf extremely diſtreſſed by it, and perhaps was touched with the extraordinary mark of reſpect, which Henry had ſhewn him, inclined to peace; an inclination, the latter was ever diſpoſed to comply with, for the reaſons abovementioned, and more eſpecially at this time, when the ſeaſon of the year made it neceſſary for him to draw his forces, which had been greatly fatigued, into winter quarters. A truce was therefore concluded, which was to laſt from Chriſtmas till eight days after Whitſunday; and in the mean while negociations for peace were carried on with ſucceſs. Becket was, undoubtedly, the chief negociator on the part of King Henry, whoſe favour he had gained more abſolutely than ever, by great ſervices in this war, not only as a counſellor, but as a ſoldier and a leader. For he brought into the field ſeven hundred knights, all of his own houſhold. And it muſt be obſerved, that every one of theſe was attended by a ſquire. The writers of Becket's life affirm, that a great number of barons and knights of England did homage to him, which he received with a reſerve of their fealty to the king, and thereupon gave them his protection and patronage. They alſo tell us, that many noblemen, not only of England, but of the neighbouring countries, ſent their children to be educated, and trained to chivalry, in his family, and under his diſcipline. It is no wonder, therefore, that he was able to lead ſo numerous a band to this expedition; and we are aſſured, they were eſteemed the braveſt ſoldiers in all the king's army, charging firſt, and daring moſt in every engagement. Nor was the chancellor himſelf leſs forward than they. When the king went into Normandy, he was left in the Quercy, to defend Cahors and the other conqueſts made in that

V. Fitz Stephen in vita S. T. Cantuar. et Johann. in Quadrilogo, c. 9, 10.

V. auctores citat. ut ſupra.

that province; but he did more: he took by ſtorm, at the head of his troops, three caſtles in thoſe parts, which were accounted impregnable, and for that reaſon had been left unattempted by Henry. He alſo paſſed the Garonne, and made inroads into the earldom of Toulouſe on the other ſide of the river. After performing theſe ſervices, he left his houſhold forces to gariſon the forts he had taken, as well as thoſe which the king had committed to his cuſtody, and rejoined that prince in Normandy: but he did not go thither unattended: for he hired at his own charges twelve hundred knights, and four thouſand ſtipendiaries of an inferior degree, to ſerve under him there forty days. The knights not only received from him a very liberal pay, but were conſtantly fed at his expence, and many of them at his table. During this part of his warfare, he engaged, in ſingle combat, Engelran de Trie, a French knight, very famous for his valour, diſmounted him with his lance, and gained his horſe, which he led off in great triumph. It was not very decent for an *archdeacon of Canterbury* to diſtinguiſh himſelf by ſuch exploits. The canons of the church were ſtrong againſt it; but thoſe canons were diſregarded by many of the biſhops: and Becket had ſo paſſionate a deſire of glory, that he ſought it in all ways, and among all ſorts of perſons. Beſides, he knew that the king's temper would incline that prince to eſteem and love him the more for this military merit; a ſympathy of character being the ſtrongeſt bond of affection. And, had he been only of uſe to his maſter in the cabinet, another might, in the field, have acquired ſuch an influence, as he could not afterwards have removed.

From the concluſion of the truce in December eleven hundred and fifty nine, till May the next year, nothing of conſequence was done, either by Louis or Henry: but in that month they concluded a treaty of peace, the terms of which were

Chron. Norm. P. 997. Neubrig. l. ii. c. 10.

were advantageous and honorable to Henry: for he retained all his conqueſts, except ſome towns and caſtles in Languedoc, which he reſtored to his ally the earl of Nimes, from whom they had been unjuſtly and violently taken by the earl of Toulouſe. All that had belonged to the earldom of Poitou, and all it's *rights* were confirmed to him, except the city of Toulouſe, and ſo much of that province as he had not yet ſubdued: nor did he relinquiſh his claim even to theſe, but only granted to the earl a truce of one year; and it is expreſſed in the treaty, that this conceſſion was made out of affection to Louis, and with a ſaving of Henry's *honor* (by which I underſtand the homage due from the earl) and of his own rights and thoſe of his heirs and ſucceſſors. Thus did he gain the greater part of the territories which before the war had been enjoyed by the earl of Toulouſe; and he had good reaſon to hope, that time would enable him to acquire the remainder. The earl of Evreux was ſecured, by an article of the treaty, againſt any effects of the reſentment of Louis on account of the aſſiſtance he had given to Henry; and certain rights, which he claimed, were ſtipulated for him. Some of the other confederates, and even thoſe who were vaſſals to Henry, were left at full liberty to continue the war againſt the earl of Toulouſe; only it was agreed, that they ſhould receive no aſſiſtance from the former, till the expiration of the truce which he had made with the earl. There was moreover another part of this treaty very beneficial to that king. For he was empowered by it to take poſſeſſion of the whole Norman Vexin, with Giſors and the other caſtles belonging thereunto, in *three years* from the next feaſt of the virgin Mary's Aſſumption, *for the uſe and benefit of his ſon, as a marriage portion given to him with the daughter of Louis*. And even *within that time*, if the prince of England ſhould *eſpouſe* the ſaid princeſs, *with the conſent of the church*, the ſaid province and caſtles were to be delivered to Henry for the uſe of his ſon. Three great fiefs of

See the treaty in the Appendix.

Chron. Norm. p. 996.

See the treaty in the Appendix.

of the Norman Vexin were alſo ſecured to that monarch by this treaty, even if the princeſs ſhould die before the term there aſſigned; in which caſe it was agreed that the reſt of the province ſhould be reſtored to her father. The caſtles, in the mean while, were to remain in the cuſtody of the knights templars, according to the tenour of the former convention, which had been concluded by Becket, when the match was agreed upon, in the year eleven hundred and fifty eight. Theſe ſtipulations opened to Henry a much nearer proſpect of obtaining the Vexin, than he had by that convention, beſides the ceſſion made to him of the three fiefs abovementioned, in all events. For it might well have been doubted, whether the ceremony of an eſpouſal, before the parties were of an age to conſummate the marriage, would be ſufficient to authorize the delivery of that province into his hands, according to the intention of the former agreement. And, if he had been to wait for it till the prince and princeſs were marriageable, the delay would have been much longer than the term of three years preſcribed by this treaty. Whereas he had now a clear right even to ſhorten that term. Upon the whole there was no cauſe for his being much diſcontented with the iſſue of the war, though he had not gained all that he propoſed to himſelf when firſt he undertook it. The charge indeed had been great, but there is reaſon to believe, that it did not diminiſh his treaſures, having been ſupplied by the *ſcutage* which he levied in England and his other dominions. It is obſervable, that the firſt mention we meet with in hiſtory of this impoſition on knights-fees, which became afterwards very frequent, is upon this occaſion. Henry the Second appears to have been the inventor of it: at leaſt he was the firſt who brought it into England. It was a commutation for the duty of perſonal ſervice *in foreign wars*; and thoſe upon whom it was charged contributed then to the expence of ſuch wars, in much the ſame manner as landholders do now, but with leſs inequality.

inequality. The inferior military tenants were eaſed, by being freed from the obligation of following their lords a great way from their homes, according to the original condition of their tenures; and the ſervice was better done, by the ſoldiers hired with the money which this impoſition produced; becauſe they were not entitled, like thoſe for whom they ſerved, to a diſcharge at the end of forty days, nor were they ſo intractable to martial diſcipline, as moſt of the others. Mercenary forces were thus introduced into the armies of England, deſigned to ſerve *abroad*, inſtead of vaſſals by knight-ſervice, though ſtill connected with, and dependent on the military tenures; and there ſeems to have been an abſolute neceſſity for it, to anſwer the exigence of the many foreign wars which the Engliſh were engaged in after the entrance of the Normans, and eſpecially under the family of the Plantagenets; the feudal militia being fitter for the defence of the kingdom, than for expeditions into countries very remote from their dwellings.

See note on the value of money.

The ſcutage levied in England for the war of Toulouſe was a hundred and fourſcore thouſand pounds; which, computing the quantity of ſilver contained in thoſe pounds, and the value thereof in thoſe days, compared with the preſent, is equal to two millions ſeven hundred thouſand pounds ſterling. Yet, conſidering the diſtance of Toulouſe from England, the liberty of paying this ſum, inſtead of going thither, was a very great eaſe to the military tenants.

It was, I preſume, with the advice and conſent of the parliament, which Henry held at Worceſter before he ſet out on this enterpriſe, that he made this alteration in the terms of knight-ſervice, which was continued for many centuries after his reign. He never neglected to conſult with that aſſembly on proper occaſions, and this was moſt proper: nor can we reaſonably ſuppoſe that he would ſtrain his prerogative, to introduce ſuch a novelty without their concurrence,

when

when he might be certain to obtain it with a general ſatiſfaction. It may be therefore preſumed that a parliamentary ſanction was given, in the abovementioned council, to this new method of commuting for the duty of foreign ſervice, and to the payment of ſuch a commutation for this particular war: but it ſeems that the aſſeſſment was then left to the king: whereas we find it declared, by the charter of King John, that ſcutages ought to be aſſeſt by the tenants in chief of the crown aſſembled in parliament. The reaſon of this alteration, was, I ſuppoſe, the oppreſſions, which, under the government of that prince and of Richard the Firſt, their tenants had ſuffered by arbitrary aſſeſſments. But thoſe made by this king are referred to in the charters of Henry the Third, as the beſt rule to be followed.

During the courſe of the war with the earl of Toulouſe, as Henry returned out of Languedoc into Normandy, William de Blois, who, with the other barons of his realm, had ſerved him in that enterpriſe, fell ſick and died. The only one of the late king's legitimate offspring, that now remained alive, was his daughter Mary, a nun, and abbeſs of Rumſey in Hampſhire. It ſeemed to be the intereſt of Henry to let her continue in this ſtate, that the lawful poſterity of Stephen might be wholly extinct; which would more abſolutely ſecure the houſe of Plantagenet againſt the poſſibility of any diſpute, in times to come, concerning their right to the crown: but views of preſent advantage inclined him to overloook this conſideration. Of all the potentates on the continent, except the king of France, there was none who could benefit or hurt him ſo much, as his uncle, the earl of Flanders. He had diſcharged with great fidelity the truſt repoſed in him, as guardian of Flanders, and of Philip, the earl's eldeſt ſon, during the time that the earl remained in the eaſt. This was unqueſtionably a moſt endearing obligation conferred on thoſe princes; yet he

Hoveden. pars ii. ſub ann. 1159. Chron. Norm. p. 996.

wiſhed to oblige them ſtill more, by extending his favours to Philip's younger brother, who wanted an eſtabliſhment greater than the appanage his father could give him. Nothing appeared ſo proper for him as the earldom of Boulogne, which lying contiguous to his father's dominions, and being very conſiderable in it's commerce and maritime power, would add not a little to the ſtrength of the family, as well as advance his own fortune. This province indeed was a fief of the earldom of Flanders; but the earl could not give it in any other manner than according to the eſtabliſhed rule of ſucceſſion: and his ſon had no title to it, unleſs he gained one by a marriage with the daughter of Stephen. The lady herſelf was deſirous of quitting the veil, either having taken it againſt her will, or finding by experience that vows of celibacy are kept with more difficulty than they are made. The eccleſiaſtical laws oppoſed her inclinations: but princes might, on ſome occaſions, diſpenſe with thoſe laws; and the death of her brother without iſſue had ſo eſſentially altered her circumſtances, from what they had been at the time when ſhe engaged in a monaſtic life, that ſhe might now, with good reaſon, and no appearance of levity, retract that engagement. The papal power could releaſe her, and to that ſhe would certainly have applied for relief; but Pope Adrian having died a little before the deceaſe of her brother, in the year eleven hundred and fifty nine, a double election had cauſed a ſchiſm, which was yet undecided. It was by no means adviſeable to wait till the end of it; for ſome prince of the houſe of Blois would before that time have made good his claim to the earldom. This Henry feared, and moreover he was glad of ſuch an opportunity to ſerve the two families of Flanders and of Blois. He therefore conſented that the lady ſhould be ſtolen from her convent, and conveyed out of England; which was accordingly done, and the marriage was conſummated in the month of May of the year eleven hundred and ſixty. Becket oppoſed it, on ac-

Diceto, ſub ann. 1159.

Idem, ſub ann. 1160. Chron. Norm. p. 997. Heribertus in Quadril. et vit Thomæ Becket.

count of the ſcandal and offence to religion; in which inſtance, and in that alone, he appears to have acted upon the ſame principles, while he was chancellor, as he afterwards did, when archbiſhop of Canterbury. But his oppoſition was fruitleſs: for, though he was firſt in Henry's favour, the mind of that king was too great and royal, to let his judgement be ſubjected to the authority of a ſervant. Nor did he ſee any reaſon for his being more ſcrupulous in ſuch an affair than his uncle the earl of Flanders, who certainly did not oppoſe, but, in all probability, deſired and ſollicited this match for his ſon, though he was renowned for his piety above any prince of that age.

In conſequence of the deceaſe of William of Blois, Henry had alſo the means of making an ample proviſion for Hamelin, his natural brother, by marrying him to the widow of that prince, who was daughter to William of Warren. She brought to her ſecond huſband the earldom of Surrey, with all the other honours and poſſeſſions of her father in England and Normandy: poſſeſſions ſo great, that, without alarming the jealouſy of the crown, they could not have been added to the wealth of any other noble family; eſpecially, as the lady to whom they had deſcended, was very nearly allied in blood to the kings of France and of Scotland. It was therefore, not only from affection to his brother, but from the maxims of good policy and reaſon of ſtate, that Henry intereſted himſelf in this match.

Chron. Norm. p. 999. ſub ann. 1163.

He had but juſt accommodated his quarrel with Louis about Toulouſe, when the attention of both of them was called to a buſineſs, which divided the whole Latin church, the double election of the cardinals Octavian and Orlando to the Roman pontificate. A great majority of the ſacred college had voted for Orlando, who took the name of Alexander the Third; but yet his election was liable to many objections. Octavian, who called himſelf Victor the Fourth,

had the protection of the emperor Frederick the Firſt, ſurnamed Barbaroſſa. For what reaſons he had it we are told in a letter from the biſhop of Bamburgh to the archbiſhop of Saltzburg, " It appeared (ſays the former prelate) that, before the election, Orlando himſelf, and the cardinals of his party, had conſpired with the king of Sicily and other enemies of the empire; having even bound themſelves with an oath, which ſeemed very repugnant to the ſound Chriſtian doctrine, inaſmuch as it abſolved the ſubjects of the emperor from their oaths of fidelity, and forbad all perſons to pay him any obedience." We find, by another letter, written about the ſame time, that they took this oath in the preſence of Adrian the Fourth, a little before his deceaſe, and alſo ſwore, that, whenever the ſee ſhould become vacant, they would not elect any pope, except one of their party, and who ſhould be under the ſame engagements. Well, therefore, might Frederick incline to diſpute the election of Orlando, and favour his adverſary; eſpecially as the latter had been always of the imperial faction. Many emperors of Germany, his predeceſſors, had not only exerciſed a right of confirming, but even of electing, or nominating, the biſhops of Rome. In the year of our Lord nine hundred and ſixty three, Otho the Firſt obliged the Roman people and Pope Leo the Eighth to yield to him that privilege, which was conſtantly maintained by his ſon and his grandſon, though not without occaſioning many tumults and ſeditions. After the death of the latter, the imperial authority diminiſhed in Rome, and the people reſumed the election of the popes, together with the clergy, till, moſt intolerable diſorders and ſcandals ariſing from the ill uſe they were found to make of their power, the emperor Henry the Third, ſurnamed the Black, took it from them again, and nominated ſucceſſively four popes, who were Germans. But, during the minority of his ſon, Henry the Fourth, Nicholas the Second, encroaching on the prerogative of that prince, made a new conſtitution, whereby the cardinal biſhops were firſt to conſult about the election of a pope, then to call in the cardinal prieſts,

V. Radevic. de reb. geſtis Frederic. I. Imperat. l. ii. p. 318, ad 323, et 328, ad 335. Act. Alexand. apud Baron.

V. Radev. ut ſupra, l. ii. c. 71.
Idem ibidem, c. 52.

V. Luitprand. c. 2.

Platina in vit. Benedict. IX. et Gregor. VI. Otho Friſing. l. vi. ad ann. p. 140. Onuphrius in chronico. Diſt. 23. C. in Nom. Father Paul, of beneficiary matters, c. 23.

prieſts, and, thirdly, the inferior clergy and the people of Rome, for their conſent, *ſaving the honor and reverence due to the emperor*. Theſe laſt words preſerved indeed to the emperor the right of confirmation; though not ſo explicitly as he might have deſired: but Alexander the Second having been choſen according to this conſtitution, Henry, in order to ſignify his reſentment thereof, refuſed to confirm that election, and named to the papacy the biſhop of Parma, upon the recommendation of Gerard his chancellor. Nevertheleſs on the death of that miniſter, about three years afterwards, he conſented to depoſe the biſhop of Parma and acknowledge Pope Alexander, who made him a moſt ungrateful return for that favour. But Gregory the Seventh, ſucceeding to the papacy after the deceaſe of that pontif, not only attempted to take from the emperors all ſhare whatſoever in the elections of popes, but in thoſe of all other clergymen; judging that he ſhould better be able to ſupport the claim of his ſee, by making it the general cauſe of the church. This conteſt continued during more than half a century, under ſix pontifs, who maintained it, not only with their ſpiritual weapons, but by exciting the moſt horrid rebellions and treaſons, and arming the ſon againſt the father, as well as the ſubject againſt the ſovereign. Nor were the emperors eaſily vanquiſhed in a quarrel of ſuch importance. Near fourſcore battles were fought, in defence of their authority, by Henry the Fourth and Henry the Fifth, before the agreement of the latter with Pope Calixtus the Second, in the year eleven hundred and twenty two: and even that was made with ſuch temperaments, as preſerved to him ſome of his ancient prerogatives in all elections of biſhops, except thoſe of the popes; but from them he and his ſucceſſors were after this time entirely excluded. And in conſequence of a quarrel between Innocent the Second and the people of Rome, that pontif deprived theſe alſo of the right of election.

See Father Paul of beneficiary matters, c. 23, 24.

A. Abb. Urpergenſ. in Chron. ſub ann. 1122. Father Paul, c. 24. Onuphr. Annot. ad vit. Innocent.

The

The emperor Frederick Barbaroſſa, one of the greateſt and braveſt that ever had aſcended the imperial throne, was now ſtruggling to aſſert ſo much of the power his predeceſſors had loſt, as, in the extraordinary caſe of a double election, to give the preference to that cardinal who was of his party, againſt one who was openly leagued with his enemies. He did not pretend any right to determine this cauſe by his own ſingle authority, knowing that the times would not bear it; but called a general council at Pavia, to which he invited the biſhops, not only of Germany and of Italy, but of all Europe, and cited to it both popes, with the cardinals of each party. Victor obeyed, but Alexander refuſed; denying that the emperor had power to call a council without his conſent, or to ſummon him to appear in his preſence, as if he had any authority over him. "Chriſt (he ſaid) had given to St. Peter and his ſucceſſors "the privilege of judging all cauſes wherein the church was "concerned; which right the ſee of Rome had always pre-"ſerved, and had never ſubmitted to any other judgement." This was not only begging the queſtion in diſpute, that he was the rightful ſucceſſor of St. Peter, but arrogating to his ſee ſuch prerogatives, as all hiſtory contradicted no leſs than the goſpel, and ſuch as had never been acknowledged by any emperor. Beſides, it was evident, that, if theſe pretenſions were admitted, it would be impoſſible to end a ſchiſm between two popes; ſince each might equally plead this privilege of exemption from all other judgement, and would be ſure to paſs ſentence in favour of himſelf. But as Victor came, and ſubmitted his cauſe to the council, it gave a reaſonable prejudice in his behalf: his adverſary was cenſured as guilty of contumacy; and, after a proper examination of witneſſes, he was declared to have been duly elected. Frederick took care to prevent any objection againſt this deciſion, on account of it's being made by the ſecular power; for he confined the examination and judgement of the cauſe to

Radev. ut ſup. c. 54, 55, 56, 71.
Act. Alexand. apud Baron.

to the eccleſiaſticks alone. There were preſent in the council about fifty biſhops, beſides a great number of abbots and other dignified clergymen; but all Italians, or ſubjects of the empire. The kings of Bohemia and Denmark, with almoſt all the princes of the empire, attended in perſon, and ſubſcribed to the determination in favour of Victor. The king of Hungary declared his aſſent to it by his embaſſadors. The kings of France and of England had alſo miniſters in the council: but the former of theſe refuſed to engage himſelf any further, than not to acknowledge either Alexander, or Victor, as pope, till he ſhould receive a fuller information of the merits of the cauſe by embaſſadors from the emperor; and the latter declared, that in this, and all other affairs, his conduct ſhould be conformable to that of the king of France. Louis, before the council was aſſembled, had paid him the ſame compliment with regard to this queſtion: and indeed it was for their mutual intereſt not to diſagree on ſuch a point; as their difference would have produced a ſchiſm in France, which muſt have been very troubleſome and hurtful to both. The French monarch was ſtrongly urged to determine for Alexander, by all the power that his queen, who was zealous for that pontif, had over his mind, and by the perſuaſions of much the major part of his clergy, whoſe inclinations he was always diſpoſed rather to follow than lead. A jealouſy of encreaſing the greatneſs of the emperor, by giving him a pope devoted to his intereſts, might have alſo ſome ſhare in prejudicing the judgement of this prince and his ſubjects againſt any evidence on the ſide of Victor. But the young earl of Champagne, who had much credit with him, and was related to Victor, kept him, ſome time, in ſuſpence. Henry had received very early impreſſions in favour of Alexander, from the biſhop of Liſieux, a man of excellent parts, and one whoſe counſels he chiefly liſtened to in eccleſiaſtical matters. Nevertheleſs the regard he owed to the emperor, his friend and ally, made him deſirous

V. Radevic. c. 54, 55, 56. 71. Act. Alexand. apud Baron.

Alexan epiſt. 17. apud Duchesne, t. iv.

V. Arnulph. epiſt. ad Alex.

ſirous to proceed with great reſerve, and a decent ſhew of deliberation, in this affair. Nor would he act therein without the entire concurrence of Louis, whoſe irreſolution continued ſeveral months. During this interval the archbiſhop of Canterbury preſſed him moſt vehemently to acknowledge Pope Alexander, by ſeveral letters, which, being ſick at that time, he wrote by the hand of John of Saliſbury, his ſecretary, who afterwards became very buſy and factious in all the eccleſiaſtical affairs of this reign. But no ſollicitations, or importunities, even from his beſt friends, could drive the king to precipitate his meaſures, in a matter of this delicate nature. He prudently reſtrained the zeal of that prelate till he had conferred with the chancellor of the empire, who, immediately after the diſſolution of the council of Pavia, in the month of February of this year eleven hundred and ſixty, had been ſent to him and the king of France, to acquaint them with the reaſons upon which that council had acted in acknowledging Victor, and endeavour to obtain their concurrence. The embaſſador came, and was patiently heard by both kings, but prevailed upon neither. As ſoon as Henry had concluded the peace with Louis, he ſounded his inclinations with regard to this queſtion, and helped to fix them in behalf of Alexander. I ſhall hereafter give ſome reaſons why he ought rather to have aſſiſted the earl of Champagne in ſerving Victor. But being drawn in by the torrent, which run very ſtrong the other way, both in England and his French dominions, he uſed his utmoſt endeavours to induce the king of France to make the ſame choice; of which he had ſoon afterwards great cauſe to repent.

V. Joan. Sariſb. epiſt. 44. 48. 63.

Chron. Norm. 997.

V. Petri Bleſenſis epiſt. ad Celeſt III. Papam, 144.

It was privately agreed between the two kings, that as a foundation for them to proceed upon, in deciding this diſpute, each ſhould ſeparately take the ſenſe of the clergy within his own territories: and a council was accordingly held by Louis at Beauvais; Henry at the ſame time holding one at his town of

of Neufmarché in Normandy, by both which aſſemblies Alexander's election was ſuppoſed to be good. The ſentiments of the Gallican church having been thus declared for that pontif, Henry empowered the archbiſhop of Canterbury to call a council in England, and ſend him their opinion on the merits of the queſtion. Theobald obeyed very joyfully; and, though we are told, that ſome of the Engliſh clergy, particularly the biſhops of Durham and Wincheſter, inclined to Victor, yet they thought it adviſeable to concur with their brethren in favouring Alexander, the king's diſpoſition to give him the preference being well underſtood. The words of the primate, in his letter to Henry on this occaſion, are remarkable. He ſays that "the council had not *paſſed any judgement* up-"on the matter propoſed to them, nor had they *decreed* any "thing about it in prejudice to the majeſty of the crown; "*as it would have been contrary to their duty to do ſo:* but "they had lawfully and dutifully given that *advice* which he "had required of them by his royal mandate." From hence it may be inferred, that, in the commiſſion which the king had ſent to this prelate, care had been taken to ſecure his royal prerogative againſt any encroachment on the part of the clergy, though he graciouſly condeſcended to aſk their advice: and, conſidering the pretenſions of the church in that age, an archbiſhop of Canterbury's acknowledging this right of the crown, in terms ſo explicit and ſo full of reſpect, was a great inſtance of moderation.

V. Joan. Sariſb. epiſt. 44. 59. Ejuſdem epiſt. 64, 65.

V. epiſt. 64.

But though the kings of France and England, by theſe national ſynods, had enabled themſelves to alledge the ſenſe of their clergy, in anſwer to the emperor's ſollicitations in favour of Victor, they thought it expedient, before they would finally and abſolutely declare their own reſolutions, to hear what the legates, ſent by both the competitors, who were ordered to attend them in a more ſolemn and more general council, which was to aſſemble at Toulouſe, could ſay on the ſubject. The

Labbeus, t. x. concil. p. 1406. Neubrigenſ. l. ii. c. 9. Pere Daniel hiſt. de Fran. p. 407.

Ducheſne epiſt. 431. t. iv.

legates arrrived there in November this year; but, from ſeveral incidents intervening, the council was not held till ſome time in the autumn of the following year, eleven hundred and ſixty one. Louis and Henry, with the embaſſadors of the emperor and of all the Spaniſh kings, were then preſent in it, before whom the cauſe was debated by the legates on either ſide; and the cardinal of Pavia, deputed by Alexander, pleaded for him ſo well, that the council unanimouſly confirmed his election. It muſt, however, be confeſſed, that this cardinal's eloquence was heard with as favourable ears by his audience, as the harangue of Victor had been by the council of Pavia; and all theſe grave deliberations really meant nothing more, than to furniſh the princes who were at the head of each party with a plauſible appearance of being convinced of what they were before determined to believe. The emperor, with the whole empire, and all the northern kings, continued unmoved in their attachment to Victor, for whom they procured a decree of another general council, aſſembled at Lodi in oppoſition to this of Toulouſe. And both theſe meetings concluded with thundering out ſentences of excommunication againſt the pope of the other faction and all his adherents. Nothing can exceed the rancour and bitterneſs, which appear in many of the letters written during thoſe times, by clergymen and monks of either party, againſt their opponents; and they were but too powerful to inſpire the ſame paſſions into the laity, whoſe conſciences they directed with an abſolute dominion. This ſchiſm was followed by a long war in Italy, between the emperor and the adherents of Alexander there, which I ſhall have occaſion to ſay more of hereafter.

V. Othon. Morena in chronico.

While Louis and Henry were thus buſied in chuſing a pope, there had happened other events of great importance, which entirely altered the ſtate of their civil affairs. About the end of September in the year eleven hundred and ſixty, the queen of France died in child-bed of a ſecond daughter, who,

who, ſurviving her mother, was named Adelais. The lords of the council, much deſiring a male heir to the crown, exhorted the king to marry again without delay. He made ſo much haſte to comply with their advice and his own inclinations, that diſregarding all decency, in leſs than a fortnight after the death of his wife, he married a ſiſter of the earl of Champagne. That prince and his brothers, the earls of Blois and Sancerre, were, by means of this alliance, advanced to greater power in the kingdom of France; and as Henry was aſſured that they were very malevolent to him, though one of them had occaſionally confederated with him in the war of Toulouſe, it alarmed him to ſee them brought ſo near to the throne. Indeed the death of Conſtantia was in many reſpects unfortunate for him. He had always found her a warm and uſeful friend. The new queen might be an enemy; and, from his knowledge of Louis, he might naturally fear, that a change in the bed of that monarch would be followed by a change in his council. Theſe conſiderations affected him with no little uneaſineſs. The peace concluded in May had not been ratified till October, a few days before this marriage was celebrated. On that occaſion the prince of England did homage to the king of France for the dutchy of Normandy; which ſeems to imply that a ceſſion had been actually made, or at leaſt an intention declared by Henry at this time, and confirmed by this act, of reſigning to him thoſe territories when he ſhould be of full age. Probably, Louis, whoſe daughter he was to marry, might deſire this ceſſion; as the heir to the crown of England had not in thoſe days any principality, dukedom, or other royal appanage, aſſigned to him in that kingdom. And perhaps ſome diſpute upon this matter was the cauſe that the ratification of the peace had ſo long been delayed, though we do not find any mention thereof in the treaty. However this may have been, it looked unfavourable to the concord, reſtored at this meeting, that Henry departed from thence, without ſeeing the celebration of the king's

Chron. Normaniæ p. 997.

nuptials; a ceremony, which he would undoubtedly have graced with his preſence, if his diſlike of the match had not got the better of his uſual complaiſance, and made him ſhew the court of France a little too plainly, that he could not forget the dead queen ſo ſoon as her huſband.

Upon his return into Normandy, he judged it adviſeable to take ſuch meaſures, as might ſecure him againſt the conſequences of that alteration in the diſpoſitions of Louis, which he prudently foreſaw from this alliance. To put his ſon's marriage with the eldeſt princeſs of France beyond all diſpute was his firſt care. A mere verbal contract might poſſibly be revoked, and the lady demanded back from Robert de Neubourg, juſticiary of Normandy, who had the cuſtody of her, if thoſe who governed her father ſhould make him wiſh to diſpoſe of her in a different manner. Henry thought it expedient to guard againſt this danger, and bind the engagement more indiſſolubly by the moſt ſolemn ſanction: as, beſides the hope of future benefits which might ariſe from this match, he was very deſirous, at this juncture, to get the Norman Vexin, with the important caſtle of Giſors, and thoſe of Neufle and Neuchâtel, into his own hands. By the treaty of peace, which he had concluded with Louis the year before, he was authoriſed to take poſſeſſion of theſe, if, before the term of three years aſſigned by that treaty for their being delivered up to him, his ſon ſhould *eſpouſe* the princeſs *with the conſent of the church*. He therefore applied to the cardinals of Piſa and Pavia, legates from Alexander, who now were with him in Normandy, and prevailed upon them to celebrate the form of a marriage, or publick and ſolemn eſpouſals, between Prince Henry his ſon, not yet ſix years old, and Margaret of France, who was ſtill a younger infant. This ceremony being performed, he demanded the caſtles; which were immediately ſurrendered to him, by the knights templars, into whoſe cuſtody they

See the treaty in the Appendix.

Diceto Imag. hiſtor. ſub ann. 1160. Chron. Norm. p. 997. Neubrig. l. ii. c. 24.

they had been committed. Nor could they withhold them, againſt the expreſs conditions of the treaty between the two princes. At the time when Louis gave his conſent to that treaty, he was, in all probability, deſirous to accelerate the eſpouſals of his daughter with Henry's ſon, and thought the immaturity of their age no objection: but the death of her mother and his new marriage having changed his opinion, he was ſo unreaſonable as to complain of Henry's proceedings, in acting agreeably to their late convention.

If we may believe ſome ancient writers, he accuſed that monarch of fraud, and the knights templars of breach of truſt, and even drove the latter out of his kingdom, for having delivered the caſtles to Henry upon this *ſhadow of a marriage*. But it is evident that this anger had no foundation. For the words of the treaty, too clear to admit of any doubt, gave Henry a right to take poſſeſſion of the caſtles, and of the whole Norman Vexin, for the uſe of his ſon, at any time after the ſigning thereof, when the latter ſhould have *eſpouſed* the daughter of Louis, *with the conſent of the church*. The legates of the pope had given that *conſent*: the knights templars were preſent themſelves at the ceremony: their truſt was to determine as ſoon as this was performed; and their honor was engaged to ſurrender to Henry what then belonged to him, as much as any other part of his territories in France. Nor can the reproach of a diſhonorable and fraudulent practiſe, in this tranſaction, be reaſonably laid on that king. Prudence required him to ſecure to his ſon a deſirable match and the advantages that attended it, in ſuch manner as he was impowered, and even invited to do it, by Louis himſelf, not long before. But though the French monarch had not, in reality, any cauſe for reſentment on account of this act, the contemporary authors aſſign no other for his taking up arms againſt Henry the following year. He was, doubtleſs, incited to it, not by any good arguments, but by the influence which his bride, and the unanimous counſels of her brothers, had over

V. Gul Neu. brig. l. ii. c. 24. Hoveden ann. pars poſt. f. 282.

See the treaty in the Appendix.

over his mind at this time. While, by their inſtigations, he was preparing for the war he intended to make at the return of the ſpring, thoſe three princes, having drawn their forces together, began to fortify Chaumont, a caſtle in the county of Blois, bordering upon Touraine; from whence they propoſed to infeſt the laſt-mentioned province, as ſoon as the king, their maſter, ſhould take the field. But Henry, to whom the intention of their work was no ſecret, put himſelf inſtantly at the head of a body of troops, which he had kept up to be ready on any emergency, and marched to prevent them from executing their purpoſe. Before he came to Chaumont, the earls of Champagne and Sancerre had returned home with their forces, leaving their brother, the earl of Blois, to complete the fortifications: but he alſo, upon intelligence of Henry's approach, which he did not expect, thought it prudent to retire. That king, whoſe celerity in his military operations made him always ſucceſsful, found the works ſo unfiniſhed, and the garriſon of the caſtle ſo unable to defend it, that it was yielded to him without the trouble of a ſiege: and immediately given up to one of his vaſſals, named Hugh d'Amboiſe, who claimed it, as a fief that belonged to his family, and who bore a mortal hatred againſt the earl of Blois, becauſe that prince had occaſioned the death of his father by an unjuſt and ſevere impriſonment. Then, having added ſome new defences to the caſtles of Frettevalle and Amboiſe, Henry returned into Normandy, and put that whole dutchy into a ſtate of ſecurity, by repairing and encreaſing the fortifications of almoſt all his caſtles, but particularly of Giſors, and building a new fortreſs upon the banks of the Eure. He alſo garriſoned thoſe of ſome noblemen, whoſe fidelity he ſuſpected, with his own troops; as he had a right to do by the cuſtoms and laws of France.

Chron. Norm. p. 97.

But though his principal care was to provide for the ſafety of his territories on that continent, in caſe of a war, he did not neglect the works of peace. Even while he was erecting theſe

fortifications, he built a royal palace in the neighbourhood of Rouen, and an hoſpital for lepers near Caen, which the Norman chronicle ſtyles *a wonderful building*, on account, I ſuppoſe of the beauty of it's architecture, or it's ſpacious extent. The leproſy raged, at this time, very violently, in moſt parts of Europe, being imported from Paleſtine by the pilgrimages made thither, or from Syria and Ægypt by the cruſades; and ſuch edifices were neceſſary to receive the infected, who were cut off from ſociety with all other men. No charity therefore could better become a king than this, which gave all the comfort their condition would admit to the moſt unhappy of his ſubjects, and ſecured the reſt from the contagion of ſo loathſome a diſtemper. Henry was alſo a benefactor to ſome religious houſes, both in France and in England; for which he deſerves the honor due to pious intentions.

Soon after Eaſter, in the year eleven hundred and ſixty one, Louis attempted to attack the Norman Vexin: but Henry had ſo ſtrengthened every part of that diſtrict, that his enemy found it impracticable to make any ſiege, and ſoon retired to the frontier of his own country. The king of England purſued him; and the two armies being often in ſight of each other, a battle was daily expected. But the reputation of Henry's arms made Louis unwilling to run that hazard; nor, when that monarch avoided, did Henry ſeek it, having more to loſe, if he ſhould be defeated, than to gain by a victory. He had done enough to prevent the imputation of fear being caſt on his prudence; and it was agreeable to every principle that governed his conduct, to make up a quarrel with the ſovereign of his foreign dominions, as ſoon as he could with honor. He therefore was not diſpleaſed that good offices of mediation were employed by ſome common friends to both parties; in conſequence of which, about midſummer, a truce was agreed upon between him and Louis. The firſt uſe that he made of it was to go and ſuppreſs a rebellion in Aquitaine, which had broken out during

Chron Norm. P. 997, 998.

Chron. Norm. p. 998.

during the war on the borders of Normandy, on a ſuppoſition that his arms would have been longer detained in thoſe parts of the kingdom. But that hope was now fruſtrated: in leſs than two months he vanquiſhed all the rebels, and recovered whatever he had loſt in thoſe provinces, either by treaſon, or force; particularly the fortreſs of Chaſtillon above Agen, upon the river Garonne, which, though nature and art had concurred to render it ſtrong, he took in five or ſix days, to the great aſtoniſhment and terror of the Gaſcons.

The ſcience of engineering muſt certainly have been poſſeſt by this prince, or by thoſe employed under him, in a high degree of perfection; as we find he hardly ever beſieged any place without reducing it ſooner than his enemies had expected.

All being ſubdued and quiet in Aquitaine, he performed nothing more of any importance this year, except preſiding together with Louis at the council of Toulouſe, an account of which has been given. Their meeting in that city may be regarded as a proof, that no great animoſity continued between them, or between the king of England and the earl of Toulouſe.

In the ſpring of the year eleven hundred and ſixty two, Pope Alexander landed on the coaſt of Provence. He had been driven out of Rome by the faction of Victor, and had taken refuge in Campania, under the protection of William king of Sicily: but, all the roads to that province being infeſted by the ſoldiers of the oppoſite party, his friends and adherents could have no acceſs to him; which made him reſolve to depart from thence, and go into France, where he might act as ſupreme pontif without moleſtation. Indeed that kingdom had been long the ordinary refuge of popes in diſtreſs; the policy of the French nation inclining their princes to abet all the enemies of the imperial power. As the paſſage was not ſafe for Alexander by land, he went by ſea, and touching at Genoa

Act. Alexand. ap. Baron. ſub ann. 1162. Pagi T. iv. ſub eodem anno. Hugo Pictav. ap. Ducheſne T. iv. p. 424. & ſeq. Epiſt. Freder. Imperatoris 50, 52, 53, 54. ap. Ducheſne T. iv. Epiſt. Victoris ad Ludov. 56. ibidem.

Genoa and ſome other places, arrived at Montpellier, where he propoſed to reſide, ſoon after Eaſter. But a great change had been made in the diſpoſitions of Louis with relation to him, by the arts of the queen of France and the earl of Champagne. Being related to Victor, and friends to the emperor, they were deſirous, if poſſible, to draw the king off from the part he had taken with Alexander; and they ſo far prevailed, that he was perſuaded to receive an agent from Victor, with an epiſtle, in which that pontif, on the encouragement they had given, ventured to expreſs very confident hopes of his favour. This letter is dated in February; and before Eaſter Louis ſent the earl of Champagne his embaſſador extraordinary to the imperial court, upon a propoſal made to him, from the emperor Frederick, by the mouth of this earl, that, in order to reſtore the peace of the church, they ſhould hold another council in the town of Avignon; where, after impartially rehearing the cauſe, both popes being preſent, they ſhould either agree to acknowledge one of them, and thereby end the ſchiſm, or depoſe them both, and elect another. I do nct believe, that, in making this offer to Louis, the emperor really intended to give up, or bring in queſtion, the election of Victor: but it was a lure by which he tried to induce the king of France to call a new council; hoping that Alexander would refuſe to appear before this aſſembly, with the ſame contumacy, as he had before rejected the citation to the council of Pavia; and that Louis would thereupon be irritated againſt him, and more favourably diſpoſed to liſten to the arguments in favour of Victor. The ſcheme was well laid and very ſkilfully managed by the earl of Champagne. He repreſented ſo pathetically, and with ſuch an air of pious zeal, the manifold evils which attended this ſchiſm, and how meritorious it would be to reſtore peace and union to the catholick church, that, with the help of his ſiſter, whoſe charms very powerfully aided his eloquence, he obtained from Louis a commiſſion to go to the emperor and treat on this matter. Alexander,

at his landing, received intelligence from his friends of theſe tranſactions, and heard that the earl was ſet out on his embaſſy. His ſurprize and indignation at ſo ſudden a change, which was likely to prove of ſuch ill conſequence to him, were equally ſtrong. After the councils of Beauvais and Toulouſe, he had never entertained the leaſt apprehenſions, that his right to the papacy would again be controverted in France, or that he ſhould be in danger of finding an enemy where he expected a protector. While he was full of uneaſineſs and diſguſt, two eccleſiaſticks, of whom the higheſt in dignity was only an abbot, were ſent from Louis, to compliment him, in the name of that prince, upon his arrival in France. He received them very coldly: at which the king was ſo offended, that, in the heat of his anger, he immediately diſpatched the biſhop of Orleans, to carry a letter to the earl of Champagne, in which he ſaid, that he repented his having unadviſedly acknowledged Pope Alexander and rejected Victor. He likewiſe impowered that miniſter to conſent in his name to call a new council, as Frederick had propoſed, and gave him entire liberty to ſettle all points relating thereunto, with a general aſſurance of ſtanding to every thing that he ſhould adviſe. Nothing could be more welcome to the earl than this letter. Having ſuch ample diſcretionary powers, and ſo convincing a proof, under the hand of the king, of his beginning to incline to the party of Victor, he ſoon agreed with the emperor, who then was at Pavia, that he and Louis ſhould meet on the borders of Burgundy, at the town of St. Jean de Laone, between Dijon and Dole, as more convenient to both than Avignon, and ſhould bring with them to that meeting, the princes, the nobles, and chief eccleſiaſticks of the empire and France, to re-examine the merits of the cauſe between Alexander and Victor, who ſhould both be preſent there and plead for themſelves. This aſſembly was to be held on the banks of the Saone, near the abovementioned town, in the year eleven hundred and fifty-two. A certain number of the moſt approved knights and eccleſiaſticks

V. auctores, citat. ut ſup. et epiſtolas.

were to be choſen out of both parties, to judge of the election; and, if they gave ſentence in favour of Alexander, the emperor promiſed to throw himſelf at his feet; but, if in favour of Victor, the French monarch was bound, by the promiſe of his miniſter, to pay the ſame mark of veneration to him. And, in caſe of a refuſal from the king to ſtand to that promiſe, the earl of Champagne pledged himſelf, by an oath to the emperor, that he would transfer his feudal homage from Louis to him, and hold of him all the fiefs which he then held of that prince. This kind of guarrantee was very frequently given, by the feudatories of thoſe days, to the treaties of ſovereigns. But it is obſervable, that, in this agreement, there was no mention made of depoſing both the popes, and electing a third, which undoubtedly had been thrown out with no other intention than to induce the king of France to hold the council. The earl now aſſured himſelf, that, as the inclinations of that prince were averted from Alexander, he ſhould eaſily, by his influence over moſt of the knights, who were to be aſſociated in the judgement of this cauſe with the eccleſiaſticks, procure a ſentence for Victor. And in ſome letters which the emperor wrote on this ſubject, he expreſt a great confidence, that this council would end in the reception of Victor: nay, in one he affirmed, that Louis had, by his miniſter, engaged to receive him. There is alſo an epiſtle from that pontif himſelf, dated the eighth of the kalends of July, by which it appears, that two agents were ſent by him to Louis, in the character of nuncios, or legates, about this time. Alexander had therefore more reaſon to be alarmed than ever before, and found it neceſſary to uſe his utmoſt endeavours to ſooth that king, and regain his favour. He had ſtill in the French court ſome powerful friends, particularly one of the brothers of Louis, who had lately been tranſlated from the biſhoprick of Beauvais to the metropolitan ſee of Reims: yet he could not prevail, by any mediation, to hinder Louis from keeping the promiſe he had made to a prince of ſuch dignity and power as the em-

V. Epiſtol. 53, 54, ut ſupra.

V. Epiſtol. 50.

V. Epiſtol. 55.

peror, who, he knew, would not bear to be trifled with in a manner injurious to his honor. He therefore ſet out, to go to the place appointed for their meeting. Alexander who had removed in June from Montpellier to Clermont in Auvergne, went to meet him on his road, at the priory of Souvigny, in the province of Bourbon. There they conferred, and Louis vehemently preſſed him to go to the council. He pleaded apprehenſions of danger to his perſon from the power of the emperor: nor would he be ſatisfied with any ſecurities offered by the king; who, at laſt growing angry, ſaid it was very ſurpriſing, that one, who was conſcious of the juſtice of his cauſe, ſhould avoid to be preſent at hearing the teſtimonies of his own innocence. Nevertheleſs Alexander continued inflexible, "becauſe (ſays Baronius) it ſeemed an indig-
"nity, and contrary to the decrees of the fathers of the church,
"that the moſt holy pontif, and the ſupreme ſee, ſhould ſub-
"mit to be judged by any human authority."

V. Hugon Pictaven. apud Ducheſne; et Act Alexand. ap. Baronium ut ſupra. V. etiam Pagi ut ſupra.

The earl of Champagne had foreſeen, and counted upon this, in the plan which he had formed for the ſervice of Victor. After a conference of two days, Alexander would yield to nothing more, than to ſend ſome of his cardinals with Louis to the council, not to plead his cauſe, but only to declare his unqueſtionable right in the face of the world. There was much dignity in this conduct: but he run a great riſk, and might have been ruined by it, if fortune and the king of England had not been his friends. The latter was uſed very ill by the king of France in this buſineſs. He had agreed with that prince in acknowledging Alexander; whoſe right had been ſolemnly judged, and unanimouſly approved of, in a council held by them both: nor does it appear that the deſign of rejudging it now, before another council, had been either concerted with Henry, or communicated to him, except by a general notice, given to all the vaſſals of France, that ſuch a council was ſummoned. For theſe reaſons he neither intended to go himſelf thither, nor did he ſend to it any of his

his barons or biſhops. Alexander knew this, and it greatly encouraged him not to comply with the deſire of Louis. When that king arrived at Dijon, the earl of Champagne met him there, and informed him diſtinctly of what was ſtipulated in the treaty with the emperor. He expreſt great reſentment at the earl's having engaged him ſo far to that prince, denying that he had given him any authority for it. The earl appealed to the biſhop of Orleans, who not daring to make a poſitive anſwer, he then produced to Louis his own letter. Againſt the ſtrength of this evidence the king, it ſeems, had nothing to reply: but, being diſtreſſed by the obſtinacy of Alexander, and yet unwilling to renounce him, (for the diſcourſes of that pontif had made no little impreſſion upon him) he would have been glad to free himſelf by diſavowing his miniſter. This neceſſarily occaſioned a good deal of heat and ill temper on either ſide, which turned very much to Alexander's advantage: for, in proportion as Louis was diſpleaſed with the earl, he grew more averſe from Victor. When the day which had been fixed for the conference came, the emperor and that pontif appeared upon the bridge of St. Jean de Laone, which was the boundary that ſeparated the Imperial from the French dominions; but finding neither Louis nor Alexander there, and underſtanding that the latter had reſolved not to come, they preſently returned to the emperor's camp, with bitter complaints that the king had broken his faith. After their departure Louis came, and propoſed to ſome deputies, left to confer with him, a prolongation of the time aſſigned in the convention for holding the council; becauſe the terms of the agreement made in his name had not been properly explained to him till the preceding day; and it would be indecent to conclude ſo haſtily an affair of ſuch moment. The deputies had no power to grant this prolongation; but, the next morning, in the palace of the duke of Burgundy, where he lodged, the earl of Champagne declared to him, that, as the covenant made with the em-

V. auctores citat. ut ſup.

peror

peror had not been fulfilled, he thought himſelf bound, by the oath which he had taken, to transfer his homage, and all the fiefs he held in France, to that prince: but, he had obtained from his Imperial Majeſty a delay of three weeks on theſe conditions, that the king ſhould engage, and give hoſtages to the emperor, that he would come on the day appointed, and bring with him Alexander; and moreover, that he would hear the cauſe of both parties, and acquieſce in the judgement of thoſe good men of the empire and of France, to whom the deciſion of it ſhould be referred, or elſe deliver himſelf up at Beſançon a priſoner to the emperor.

Theſe were hard terms: but Louis was not in circumſtances to refuſe or diſpute them. For, beſides the damage he would have brought on himſelf and his kingdom, by loſing the homage and feudal territories of the earl of Champagne, he was afraid that the emperor ſhould declare war againſt him, and break into Burgundy, by a ſudden attack, which he was very ill able at that time to reſiſt. For he had brought with him many biſhops, but few barons or knights: whereas, all the nobility of the empire had attended the emperor's ſummons, and, under the name of a council, compoſed in reality a moſt formidable army. The king therefore was conſtrained to yield to all the conditions which Frederick had preſcribed, and gave for his hoſtages the duke of Burgundy, the earl of Flanders, and the earl of Nevers. He now ſeemed neceſſitated, either to concur with the council in acknowledging Victor, if they ſhould decide for that pontif, which appeared hardly doubtful, or expoſe his realm to ſuch calamities as might even intimidate the zeal of a bigot. But, before the time came for his meeting the emperor and holding the council, a letter from Alexander revived his ſpirits. That pontif, whom he had informed of the treaty he had made, and the obligation he was under of bringing him to the council at the end of three weeks, immediately applied to the archbiſhop of York and the

two

two Norman biſhops of Liſieux and Evreux, whom Henry had ſent to attend him, and beſought them to employ all their credit with that prince, in his behalf, at this criſis. No peace being yet made, and the behaviour of Louis having been for ſome months very unfriendly towards him, Henry had not diſbanded his army. Alexander implored him to advance with that army, as faſt as he could, towards Dijon, and by a timely aſſiſtance deliver his liege lord, and the pope he had acknowledged, from being oppreſt by the force of the emperor. Inſtead of liſtening to the voice of reſentment, which might have perſuaded him to leave the king of France under the difficulties he had brought on himſelf, by acting ſeparately from him, and againſt his opinion, he gladly embraced the occaſion of ſerving that monarch and recovering his affection, while, at the ſame time, he laid the higheſt obligation imaginable upon Alexander, whoſe cauſe he had eſpouſed. Accordingly he marched with the utmoſt expedition, taking his road through Berry, where Alexander then reſided. When he was come within the diſtance of two or three days from Dijon, he ſent forwards ſome of his ſervants, to notify his approach, and deſired that pontif to diſpatch them to Louis, with the ſtrongeſt aſſurances of his readineſs to expoſe himſelf to all dangers, for the honor and ſervice of that monarch. Alexander immediately ſent them to Dijon, with a letter to Louis, exhorting him to receive them as their meſſage deſerved, to thank their maſter for ſo ſeaſonable and ſo affectionate an offer, and, without delay, to accept it. They found him diſpoſed to follow this advice with moſt entire ſatisfaction. The harſh and offenſive uſage he had received from the emperor made him conſider that prince as an enemy, who meant injurioufly to obtrude a falſe pope upon him, by force of arms. He therefore preſſed the king of England, who alone could preſerve him from the terror of that force, to haſten to his ſuccour. While this negociation was on foot, there began to be a famine in the emperor's camp; the

V. Ducheſne tom. iv. epiſt. 50.

V. epiſt. 50. ut ſupra.

V. auctores citat. ut ſup.

the country about it not furniſhing proviſions ſufficient for ſuch a number of perſons during ſo long a time, and no magazines having been formed to ſupply them, as he did not expect that the buſineſs, upon which he brought them thither, would have been ſo delayed. This, together with the intelligence of Henry's approach, made him take a reſolution to return into Germany without meeting the king of France or holding the council. We are told that, in order to vindicate his intended departure, he ſent his chancellor, the archbiſhop of Cologne, to ſay from him to Louis, that it belonged to no prelates, but thoſe of the holy Roman empire, to judge of the election of a biſhop of Rome; and conſequently the king and clergy of France had only a right to be preſent and hear their deciſion. Or (as another contemporary author relates it) the archbiſhop denied, that the emperor had ever obliged himſelf to admit any partners, in judging a cauſe which concerned the church of Rome; that ſee being wholly under his own juriſdiction. But whatever claim, either the emperor, or the prelates of the empire, might have to an excluſive authority in this matter, Frederick himſelf had given it up, by propoſing this council. For he and the empire had before decided the queſtion in favour of Victor; nor was there any occaſion to deſire the king and prelates of France to aſſemble a council upon the ſame diſpute, if they had properly no cogniſance of it. Even in the letters that the emperor wrote, to invite foreign biſhops to the council of Pavia, he had expreſt his intention, *that it ſhould be declared in his preſence, by their juſt judgement, which of the two popes had a right to the government of the univerſal church.* If therefore he now claimed an excluſive prerogative to judge for himſelf, or by the prelates of the empire alone, upon the election of a biſhop of Rome, he acted in contradiction to all his former conduct, as well as to the engagements he had taken with Louis, through the intervention of his friend, the earl of Champagne. And one can hardly believe that ſo wiſe a prince would have choſen

V. Act. Alex. ap Baronium.

V. Hug. Pictav. apud Ducheſne.

V. Epiſt. Fred. ap. Radevic.

to

to incur the reproach of ſuch inconſiſtency, when he had ſo good a reaſon to excuſe his ſudden departure, as the famine in his camp. There is a ſtrong probability that he quitted the neighbourhood of St. Jean de Laone before the day appointed for holding the council; for, otherwiſe, he would have had a ſtill better plea, namely, the abſence of Alexander, who remained in the monaſtery of Bourgdieu in Berry, notwithſtanding the aſſurances which Louis had given, that he would bring him to appear before the council: and in that caſe the king, not the emperor, would have broken the articles of the compact between them; nor could the former have recovered his hoſtages, without yielding up his own perſon in their ſtead, or joining with the emperor to condemn and depoſe Alexander, on account of his non-appearance. Perhaps indeed that pontif might have ventured to come under the guard of King Henry: but as it was contrary to his former declarations, it is much more probable that he would have perſiſted, in not ſubmitting himſelf to the judicature of this aſſembly. Certain it is, that the retreat of Frederick and his army extricated both his Holineſs and the king of France from ſuch difficulties, as they could hardly have ſurmounted; and that retreat was no leſs owing to the king of England's approach, than to the want of proviſions in the emperor's camp. Henry, finding that the firſt news of his being on his march had effectually anſwered his purpoſe, advanced no further than Bourgdieu, where Alexander, on whoſe head he had fixed the triple crown, received him with the acknowledgements due to a ſervice of ſuch mighty importance. Nor was Louis leſs ſenſible of his own obligation to him in this affair. He felt it ſo ſtrongly, that it effaced from his mind all the impreſſions which had been made againſt that prince by the intrigues of his enemies. They both had ſoon afterwards a meeting with Alexander at Touci upon the Loire, where the two kings walking afoot on each ſide of his horſe held the reins of his bridle, and led him to a pavilion which was prepared to receive them; *A*

Chron. Norm. p. 997. Baronii Annal. ſub ann. 1162. Hiſtoire d'Allemagne tom. v. ſub eodem anno.

ſpectacle (ſays Baronius) *to God, angels, and men, ſuch as had not yet been ſeen in the world!* It was indeed aſtoniſhing: but the emperor himſelf, by the bigotry of the times, had been compelled to ſubmit to a like humiliation. For, at the ceremony of his firſt reception in Rome, he held the ſtirrup of Adrian the Fourth, much againſt his own will, after a long and very warm diſpute with that pontif. It is ſaid, that having held it on the wrong ſide of the horſe, and being admoniſhed of his error by the pope, he made anſwer, *that his ignorance muſt be excuſed, as he had never before done the office of a groom.* When the veneration for the papacy was carried ſo high, and ſuch a kind of idolatry was paid to the perſons of the biſhops of Rome, even by the greateſt princes, a ſtory, which Baronius has related in his annals, under this year, will not ſeem incredible. He ſays, that when Alexander made his firſt entrance into Montpellier, among the Chriſtian nobility, that attended him on his way, in a ſolemn proceſſion, there was a Saracen prince or emir, who reverently came up to him, and kiſſed his feet, he being on horſeback; then *knelt down before him, and bowing his head adored him as* THE HOLY AND GOOD GOD OF THE CHRISTIANS. He does not tell us that Alexander in any manner reproved him for his blaſphemous error; but, on the contrary, takes notice, that he ſhewed him extraordinary kindneſs; and adds, that all who ſaw it were filled with great admiration, and applied to the pope the words of the prophet David, *All the kings of the earth ſhall worſhip him, and all nations ſhall ſerve him.* Thus, in that age of ignorance and credulity, did ſuperſtition even deify the biſhop of Rome! but it is ſtill a more ſhocking impiety, that a learned cardinal, who lived in the ſeventeenth century, ſhould relate ſuch a fact without expreſſing the leaſt diſapprobation of it; nay, rather with an air of complacency and applauſe.

V. Baron. An. Eccleſiaſt. ſub. ann. 1162. p. 465, 466.

Chron. Norm. p. 998.

During this conference, Alexander acted as mediator between Louis and Henry, and obtained a peace for the latter, without

without the reſtitution of the forts on the river Epte, or any other ſacrifices made by him to Louis. Gratitude and good humour had entirely expelled from the mind of this monarch all thoſe ſentiments of reſentment, or political jealouſy, which had engaged him, with more heat, than reaſon or diſcretion, in the late war. He now ſaw the king of England in no other light, than as the deliverer of him and the church from a ſtate of captivity: nor was he able to reſiſt the interceſſions of one, who ſtood, as he imagined, in the place of St. Peter. It was alſo a great advantage to Henry's affairs in France, that, by means of the late tranſactions, the earl of Champagne had loſt his credit with Louis. And probably Henry might have gained a greater aſcendant than ever, over the counſels of that king, if he had never quarrelled with the church and Becket. But it will appear by the ſequel of this hiſtory, that no ſenſe of obligation, nor ties of friendſhip, could reſtrain or mitigate the fury of religious zeal in a bigot ſo warm as Louis, who was tranſported, by the hatred ariſing from thence, even to acts of hoſtility the moſt repugnant to morality and natural juſtice.

About this time, Henry received an extraordinary embaſſy from the Mahometan king of Valencia and Murcia, with a moſt ſplendid preſent of gold, ſilk, horſes, camels, and other valuable commodities, the produce of Africk or the Eaſt. I find in ſome of the Spaniſh hiſtorians, that Raymond, earl of Barcelona, and regent of Arragon, aſſiſted this prince againſt the Miramolin, or chief of the Moors named Almohades, whoſe arms he had drawn upon himſelf by refuſing to pay him the obedience, to which the other Mahometans in Spain had ſubmitted. It was the intereſt of the Chriſtians to ſupport theſe leſſer princes againſt that great potentate; and therefore Raymond acted wiſely in making this league. As his dominions were contiguous to the dutchy of Aquitaine, the king of Valencia might hope to obtain ſome advantage, by

Chron. Norm. ut ſupra.

connecting himſelf alſo in friendſhip with Henry, whoſe alliance, together with that of the Arragoneſe and the Catalans, would add much to his ſtrength in the very difficult war he had to ſuſtain. This, I preſume, was the real motive of this expenſive embaſſy; to which the Engliſh monarch made a proper and becoming return, by ſending him preſents of ſtill a greater value, with aſſurances of a reciprocal regard and eſteem: but we are not informed that he gave him either money or troops; nor, indeed, that the embaſſadors applied to him directly for any ſuch aſſiſtance; the intention of their maſter being only to lay a foundation of amity, on which he might afterwards ground a requeſt of that nature. It is not unlikely, that, in conſequence of this intercourſe, a trade might be ſettled, between the Moors of Valencia and Murcia, and Henry's French ſubjects, eſpecially thoſe of Aquitaine: for the wiſdom of that prince would naturally teach him, that a treaty of commerce, which might open to his people any new ſource of wealth, was equivalent to a conqueſt. He gained at leaſt this benefit, from the advances made to him by the king of Valencia, that it added to the veneration his ſubjects had for him, to ſee the prince of a remote and infidel nation thus ſollicit his friendſhip. Nothing more affects the minds of the people than a novelty of this kind: and whatever raiſes the reputation of a king encreaſes his power.

Gerv Chron. ſub ann. 1151.

During the courſe of theſe various affairs in France, Henry had loſt a very affectionate friend and ſervant in England. Theobald, the old archbiſhop of Canterbury, died in April, eleven hundred and ſixty one. We have a letter, which he ſent the year before to that monarch, and wherein he moſt pathetically exhorts and implores him to return to his kingdom, which wanted and earneſtly deſired his preſence. "May it pleaſe your "*majeſty* (ſays the good prelate) to return to *your own peculiar people*;" by which expreſſion he intended to inſinuate to him, that the people of England, who had no other ſovereign, were better

V. Johan. Sariſb. epiſt. 63.

better entitled to his affection and care, than the Normans or any of his ſubjects in France. And, after having laid before him other reaſons of importance, which might induce him not to ſtay any longer abroad, he mentions his own deſire to ſee him again before he died. The expreſſions he makes uſe of are very affecting. "My fleſh (ſays he) is conſumed, "and my ſoul is on the point of departing from my body; "but it ſtill lingers in hope and deſire of your coming. It "refuſes to hear the call of nature, nor will it ſuffer mine "eyes to cloſe, till they have had the ſatisfaction of behold-"ing your face." Henry had a heart moſt tenderly ſenſible to the kindneſs of his friends, and did not think it beneath the dignity of a king to love a faithful ſervant. Nor was he ever unmindful of the duty he owed to his ſubjects in England: but his new quarrel with Louis and the incidents that aroſe with relation to the ſchiſm between Alexander and Victor, confined him in France againſt his will; ſo that, unhappily, the good archbiſhop died without having ſeen him.

The ſee of Canterbury being thus vacant, it was a point of the utmoſt conſequence for the king to conſider, whom he ſhould raiſe to that dignity; as he had now a purpoſe of reſtraining the licentiouſneſs of his clergy, and bringing them under the coercion of the civil authority, from which the weakneſs of government and the encroachments of the papacy, during the reign of his predeceſſor, had ſet them free. To render this arduous work leſs difficult to him, he wanted a primate, upon whoſe principles and affection he might depend; who was no bigot; who perfectly underſtood the rights of the ſtate, and would dare to ſupport him in aſſerting them againſt the immoderate pretenſions of Rome. He thought, that in Becket he ſaw all theſe qualities, and, perhaps, only in him: it being no eaſy matter to find ſuch a perſon among his clergy. Him therefore he reſolved to advance to that dignity, at this critical time. Becket himſelf much deſired it, if we may believe Gilbert Foliot, biſhop of London, who in a letter, which he

he wrote to him afterwards, on another occaſion, affirms, "that his eyes were watchfully fixed upon the archbiſhoprick "before Theobald died, and that he did all he could to ſecure "it to himſelf on that event." As this prelate then poſſeſſed the confidence of the king, he might be aſſured of this fact from the mouth of that prince; and without ſuch information, or other very ſtrong evidence, it is not probable that he would have ventured to charge Becket with it, in ſuch poſitive terms. Some friends of the latter, in their accounts of his life, aſſert indeed, that, when Henry firſt acquainted him with his intention to make him archbiſhop, he gave that monarch a fair warning, "that it would certainly produce a quarrel be-"tween them; becauſe his conſcience would not allow him "to ſuffer many things, which he knew the king would re-"quire, and even already preſumed to do, in eccleſiaſtical "matters." They add, that, as he foreſaw, that, by accepting this offer, he ſhould loſe the favour, either of God, or of the king, he would fain have refuſed it, and was with great difficulty prevailed upon to accept it by the pope's legate. But that any part of this apology for him is true I greatly doubt; as it ſtands contradicted by the affirmation of Foliot, which, in this particular is an evidence of far greater credit than the word of Becket himſelf; and as it ill agrees with the methods which were undeniably taken to procure his election; methods he muſt have known to be very inconſiſtent with the canons of the church and what was then called its freedom. Nay, even theſe biographers themſelves acknowledge, that one reaſon, which induced Henry to promote him to Canterbury, was, *becauſe he hoped, that, by his means, he ſhould manage eccleſiaſtical, as well as ſecular affairs, to his own ſatisfaction.* Indeed no other rational motive can be found. For, why ſhould not that prince, who always conſidered propriety and decency in beſtowing preferments, have choſen one of his biſhops to be placed at the head of the Engliſh church, rather than a man not yet in prieſt's orders, a courtier, and a ſoldier?

V. Epiſt. S. Thom. in Codice Cotton. Claudius B. See the Appendix to the next book.

Heribertus in vitâ Becket. Joan. Sariſber. in vitâ Becket, et in Quadrilogo.

V. Johan. in Quadrilogo. Wilhelmus in vitâ S. T. præfix. epiſt.

Nothing

Nothing could incline him to make ſo extraordinary and ſo exceptionable a choice, which he might be ſure would give offence to the body of the clergy, and ſcandalize many even of the laity in his kingdom, but a firm confidence, that he ſhould be moſt uſefully aſſiſted by Becket, in the important reformation he meant to undertake. Nor is it credible that he ſhould not have revealed his intentions, concerning that affair, to a favourite miniſter, whom he was accuſtomed to truſt, without reſerve, in his moſt ſecret counſels. But, if ſuch a declaration had been made by that miniſter, as the abovementioned hiſtorians would have us believe, can we ſuppoſe that a king ſo prudent as Henry would have forced him into a ſtation, in which he certainly would do him no ſervice, but might have it in his power to be exceedingly troubleſome to him? It was, undoubtedly, by quite a different language, that the uſual ſagacity of this prince was deceived. Nor indeed could the moſt jealous and penetrating eye have diſcovered in Becket, before he was elected archbiſhop of Canterbury, any marks of an enthuſiaſtick or bigotted zeal: but ſeveral indications of a contrary temper, and different principles, had appeared in his conduct. I ſhall mention only two, which are very remarkable. In the third year of this reign a cauſe had been tried before the king, concerning the exemption of Battle-abbey in Suſſex from the jurisdiction of the biſhop of Chicheſter; upon which occaſion that prelate, to invalidate the charter of William the Conqueror, whereby the exemption in queſtion had been granted, aſſerted that no layman, not even a king, had power to give any eccleſiaſtical dignities or privileges to a church; and that none, conferred in ſuch a manner, could ever be valid, without the allowance and confirmation of the pope. Henry reprimanded him, with a great deal of ſpirit, for advancing this doctrine, ſaying, that "out of regard to the "papal authority, *which was derived from the mere conceſſions* "*of men*, he argued againſt the royal authority, which was "granted by God, in violation of his oath of allegiance: for

V. Concil. Magnæ Brit. t. ii. p. 431. ſubann. 1157.

" which offence he (the king) expected and required him to " be ready to anſwer according to law; and called on the " whole aſſembly to do juſtice againſt him, as one who en- " deavoured to deprive his ſovereign of the ancient dignities " and rights of his crown." This ſpeech, which it well became an Engliſh monarch to make, but which contained propoſitions that Rome would have condemned as damnable hereſies, Becket ſeconded and ſupported: whereupon the biſhop of Chicheſter was forced to recant and aſk pardon of the king. In the concluſion, the royal prerogative, and the exemption grounded upon it, were confirmed by the whole council, with Becket's concurrence.

Another ſtrong inſtance, how little of the churchman had appeared in the chancellor, is the offence that he gave to the whole clergy of England, in the buſineſs of the ſcutage for the war of Toulouſe. We are informed, by the abovementioned letter of the biſhop of London, that they complained much of that burthen, and imputed its having been laid ſo heavy upon them to Becket's advice. Not that, in reality, they had cauſe to complain: but the doctrines of Rome had taught them to regard all ſecular ſervices as inconſiſtent with their ſpiritual functions, and they wanted an exemption from all publick charges, eſpecially thoſe of a military nature, not only for themſelves, but for their tenants and vaſſals. Theſe pretenſions had gained ground during the reign of king Stephen, and every zealot for eccleſiaſtical liberty continued to maintain them. Even the beſt of them (for ſuch we may reckon the biſhop of London) ſpoke of this impoſition *as a wound to the vitals of the church.* Yet Becket did not ſcruple to give *that wound*, however careful he was afterwards of her ſafety. It is very obſervable, that even his friend, the archbiſhop of Canterbury, in one of the letters he wrote to Henry a little before he died, declares to that prince, " that, being ſenſible his end " was now approaching, he had vowed to God, among " other things, *to prohibit, under pain of excommunication, the* " *exaction*

V. Epiſtol. prædict.

V. Joan. Sariſb. Epiſt. 49.

"*exaction of the ſecond aid which his brother the archdeacon* "*had impoſed on the church.*" This *ſecond aid*, I preſume, was only a ſecond payment of the ſcutage aſſeſſed on the clergy for the war of Toulouſe. *The archdeacon who impoſed it* was no other than Becket; and it would have been an extraordinary circumſtance in the hiſtory of that prelate, if he had been excommunicated on this account, and afterwards ſainted for having oppoſed the conſtitutions of Clarendon. But the old archbiſhop died, and no regard was paid to his opinion of this matter, either by the king or the chancellor. Perhaps indeed the letter was never ſent; for it has neither date, nor ſuperſcription, except the word *Cantuarienſis*: yet it evidently ſhews the ſenſe which the Engliſh clergy had of this impoſition, and alſo, that it was laid upon them by Becket's advice. After ſuch teſtimonies of his zeal to maintain the royal prerogatives, againſt the exorbitant claims of Rome and the church, it is no wonder that Henry ſhould believe him no bigot. And that opinion was, unqueſtionably, the principal cauſe of this unhappy choice, which proved the ſource of great diſquiet to that monarch and his kingdom. He had lately given a new, and very high mark of his eſteem to Becket, by entruſting him with the education of the young prince his eldeſt ſon; and he intended that he ſhould ſtill retain this charge, and the great office of chancellor, together with the archbiſhoprick: ſo that all power, civil and eccleſiaſtical, preſent and future, ſeemed to be put into the hands of one man. This neceſſarily drew upon him a heavy load of envy, which, with the unſuitableneſs of his general character, and manner of living, to ſuch an eminent eccleſiaſtical dignity, threw difficulties in his way, that nothing but the force of the royal authority could remove. It appears from an epiſtle ſent to him afterwards by all the biſhops and clergy of England, that, as far as they durſt, they ſignified, at this time, their diſapprobation of the king's deſire to promote him to Canterbury;

Heribertus in vitâ Becket.

V. Epiſt. S. Thom. Cantuarien. Edit. Bruxellis e Cod. Vatic. Epiſt. 126. l. i.

and that, in ſpite of the popularity which he had ſo much affected, the whole nation cried out againſt it. We are alſo aſſured by the ſame evidence, which can hardly be rejected, that Matilda did her utmoſt to diſſuade her ſon from it. But, though, upon other occaſions, Henry paid her the greateſt reſpect, he determined to act in this matter by his own judgement; and having taken his part, as he believed, on good reaſons, his paſſions were heated by the oppoſition he met with, and his affection for his favourite concurred with the pride of royal dignity, to make him adhere to his purpoſe. Nor was Becket himſelf leſs eager than his maſter in the affair, if we may believe the teſtimony of the biſhop of London, who ſays, in the letter I have quoted before, that, as ſoon as the death of archbiſhop Theobald was known to that miniſter, he *haſtened* to England, in order to procure the vacant ſee for himſelf. Yet he found ſuch an unwillingneſs in the electors, that, notwithſtanding all his power, and the addreſs he always ſhewed in the conduct of buſineſs, he was not elected till above a twelvemonth after his predeceſſor's deceaſe. Henry at laſt growing impatient of ſo long a delay ſent over from Normandy his juſticiary, Richard de Lucy, to bear his royal mandate to all the monks of Canterbury and ſuffragan biſhops, that, without further deliberation, they ſhould immediately elect his chancellor Becket to be their archbiſhop. So great a miniſter who brought ſuch an order from a king, whom no perſon in his realm had ever diſobeyed, except the Lord Mortimer, whoſe rebellion had ended ſo diſgracefully to himſelf, could hardly be reſiſted by eccleſiaſticks. Yet the biſhop of London had the courage to reſiſt him; and (if we may believe what he himſelf avers in his letter to Becket) did not give way, *till baniſhment and proſcription had been denounced againſt him and all his relations, by the juſticiary of the kingdom.* The ſame threats, he tells us, were uſed to the other electors. All were made to underſtand, that, if they refuſed to comply, they would

Gervaſe ſub ann. 1161. Codex Cottonian. epiſt. 162. ut ſupra.

would be deemed *the king's enemies*, and treated, as ſuch, with the utmoſt rigour. "The ſword of the king (ſays the above-"mentioned prelate to Becket) was in your hand, ready to "turn it's edge againſt any upon whom you ſhould frown; "*that ſword which you had before plunged into the bowels of* "*your holy mother, the church.*" He explains theſe laſt words to mean the wound which had been given to the privileges of the church, by the impoſition which the chancellor had laid on the clergy for the war of Toulouſe; and concludes the ſevere remonſtrances upon the irregularity of his election with the following words, *That if* (as he himſelf had aſſerted in a letter, to which this was an anſwer) *the liberty of the church was the life of the church, he then had left her lifeleſs.* It was indeed a more violent and arbitrary proceeding, than any that had hitherto been known in this reign. For though Henry, ever ſince his acceſſion to the crown, had maintained the indiſputable prerogative of it, not to let any archbiſhop or biſhop be choſen without his recommendation, which the chapters and others concerned had always obeyed; yet ſtill ſome appearance of a free election was kept: the electors were influenced rather than compelled; or, at leaſt, the compulſion, which they were really under, was decently hidden. But in this inſtance all the terrors of power were employed without diſguiſe, and even beyond the bounds of juſtice. How very deſirous Henry was to carry this point appears moſt ſtrongly from his words to Richard de Lucy, before he ſent him to England. He ſaid to him, "Richard, if "I were now lying dead, would you not endeavour to raiſe "my eldeſt ſon to the throne?" And upon his anſwering that he would, to the utmoſt of his power, the king replied: *Endeavour equally to raiſe my chancellor Becket to the ſee of Canterbury.* Every objection to his promotion being thus overcome, the prior and monks of Canterbury, with the ſuffragan biſhops, in preſence of the young prince, Henry, of Richard de

Joan. in Quadrilogo.

Gerv. & Diceto ſub ann. 1162.

Lucy, and of many of the nobles aſſembled at Weſtminſter, on the third of June, in the year eleven hundred and ſixty two, the forty-fourth of Becket's age, elected that miniſter into the ſee of Canterbury: nor did any man dare to oppoſe it, or expreſs any diſlike of what had been done, except Gilbert Foliot, then biſhop of Hereford, and preſently afterwards tranſlated to London, who ventured to ſay, when the ceremony was over, *that the king had worked a miracle, in having, that day, turned a layman and a ſoldier into an archbiſhop.* After the election, the prince, by a commiſſion from his father, gave the royal aſſent to it; and then Becket removed from London to Canterbury, where he was conſecrated by the biſhop of Wincheſter; the ſee of London, to which properly that office belonged, being vacant. Not only the prelates and clergy of the province, but moſt of the nobility, and the young prince himſelf, attended the ceremony, paying theſe honors to the *favourite* as much as to the *primate*. It is remarkable, that he had taken prieſt's orders only one day before his conſecration.

Fitz-Stephen in vita Becket.

Heribert in vita Becket.

Prince Henry had been ſent to England by his father, that the barons of the realm might do homage to him, as heir apparent. They performed that ceremony before the election of Becket, who was the firſt that ſwore fealty to him, *ſaving the faith which he owed to the king his father.*

Chron. Norm. p. 999. Diceto Imag. hiſt. ſub ann. 1162. p. 533.

About the end of January, in the year eleven hundred and ſixty three, that monarch, diſengaged from his affairs on the continent, returned into England. The peace of South-Wales had been greatly diſturbed in his abſence, by the diſſatisfaction and courage of Rees ap Gryffyth. After that prince had ſubmitted and laid down his arms, in the year eleven hundred and fifty ſeven, he was much diſpleaſed that the territories, which had been aſſigned to him by Henry, did not lie all together, as he had

See D. Powel's Welſh Chron. from p. 208, to 221.

had been promiſed that they ſhould, in the country round about Dynevowr and Carmarthen; but were in different diſtricts, and intermingled with the lands of other lords. The giving them in that manner would have been, doubtleſs, good policy, if it could be ſo in a king to break his word. But Henry, having thus violated the treaty he had made for the pacification of Wales, did in effect rekindle that flame of war, which he had deſired to extinguiſh by prudent conceſſions. Rhees ap Gryffyth had never been a friend to the Engliſh: but this rendered him more their enemy, than if they had continued an open war againſt him. Yet he ſuppreſſed his reſentment till he received a further provocation. Walter de Clifford, who had the government of a caſtle in Cardiganſhire under Roger de Clare earl of Pembroke, having, on ſome pretence, made incurſions into his lands in that county, he ſent a complaint to the king; who returned him only fair words, without redreſs: at which loſing all patience he boldly took up arms, and, with the aſſiſtance of his nephew Eneon, a young man of great valour, demoliſhed all the caſtles of the Engliſh in Cardiganſhire, which had lately been rebuilt by Roger de Clare, and ſubdued the whole province, before any ſufficient force could be brought to oppoſe him. This was an act moſt offenſive to the king, who had confirmed to the earl of Pembroke the grant of this country, which the father of that lord had obtained from Henry the Firſt, and which, having been loſt in the reign of Stephen, was, by the late peace, reſtored to the family: yet, as he then was engaged abroad in affairs of great moment, and could not be inſenſible that Rhees had cauſe to complain of ill uſage, he permitted him to enjoy the county of Cardigan, as a compenſation for what he had an equitable right to in the province of Carmarthen. But either that prince was apprehenſive, that this indulgence was no more than a temporary favour, which he ſhould be deprived of, when the king had leiſure to chaſtiſe him; or his ambition was not

ſatisfied with ſo ſmall a part of the kingdom that had belonged to his anceſtors. For, while Henry was taken up in the war of Toulouſe, he led his forces into Pembrokeſhire; deſtroyed all the caſtles lately fortified there by the Engliſh, and then laid ſiege to the royal town of Carmarthen. But Reginald earl of Cornwall, who in the Welſh chronicle is called earl of Briſtol, Roger earl of Pembroke, and ſome other Engliſh lords, aſſiſted by the ſons of Owen Gwyneth, and by his brother Cadwallader, came againſt him with a great army of Engliſh and Welſh; at whoſe approach he was obliged to raiſe the ſiege, and retire to the mountains of Brecknock. They did not purſue him thither, but contented themſelves with building a caſtle on the borders, to ſtop his incurſions, repairing moſt of thoſe which he had demoliſhed in Pembrokeſhire, and reſtoring to the earl of Pembroke the province of Cardigan.

About the beginning of the following year, eleven hundred and ſixty, died Madoc ap Meredyth, prince of Powis-land. The Welſh chronicle ſays of him; "that he had been ever a "friend to the king of England, and was one that feared God "and relieved the poor." Henry indeed had great cauſe to lament his death: for, by his faithful and loyal ſervices, he not only had ſecured the marches of England, but had been very inſtrumental in bringing the other Welſh princes to ſubmit to that power, which he, who was deſcended from the ancient monarchs of Wales, was not aſhamed to obey. Gervaſe of Canterbury, a contemporary author, ſays that Henry, in the war againſt the earl of Toulouſe, was ſerved by one of the kings of Wales. If any of them did attend him there, it certainly was this prince, to whom that hiſtorian might ſtill continue the title which his anceſtors had enjoyed. After his death Powis-land, which he had held almoſt entire, was ſplit into ſeveral portions by the Welſh gavelkind, and never again was united under one prince. His immediate heirs were two ſons, the iſſue of his marriage with a daughter of Gryffyth ap Conan, and three illegitimate, who

V. Chr. Gerv. ſub ann. 1159.

ſhared equally with the former in the diviſion of the whole paternal inheritance. But his nephew Owen, the ſon of Gryffyth ap Meredyth, ſtiled in the Welſh chronicle Owen Cyveliock, had a diſtrict called by that name, which contained near one half of Powis-land, and had been held, during his infancy, by Madoc, as his guardian. The ſovereignty of England was acknowledged by all theſe princes; and therefore, when the king returned from France, he did not think it neceſſary to viſit thoſe parts; but gave all his attention to the affairs of South-Wales, and the war made againſt him there by Rhees ap Gryffyth, who remaining unſubdued in the mountains of Brecknock, continually infeſted the neighbouring countries. That prince had been much encouraged, or had artfully contrived to encourage his people, by prophecies publiſhed in Wales and England, pretending to foretell that Henry would never return to his kingdom. His arrival indeed put an end to that deluſion, but not to the obſtinacy of their revolt, till he raiſed a great army, and advanced with it himſelf to Pencadyr near Brecknock, where Rhees, being unſupported by the other Welſh princes, and finding himſelf unable to reſiſt ſo formidable a power, came to him and made his ſubmiſſions; upon which he was pardoned, and, renewing his homage, received the whole Cantreff Mawr, a large part of Carmarthenſhire, in which was Dynevowr, the royal ſeat of his anceſtors, kings of South-Wales, agreeably to the articles of the peace he had made in the year eleven hundred and fifty ſeven. But all Cardiganſhire was left in the hands of the earl of Pembroke. Henry, having thus reſtored the tranquillity of South-Wales, without any bloodſhed, returned from thence into England, and held his court in great pomp at his favourite palace of Woodſtock; where Malcolm king of Scotland, Owen Gwyneth, and Rhees ap Gryffyth, with all the other inferior princes and chief lords of Wales, attended his ſummons, and paid their homage, both to him, and his eldeſt ſon, as heir to his kingdom.

V. Diceto imag. hiſt. ſub ann. 1163.

Welſh Chron. ſub ann. 1163.

Dicetoimag. hiſt. ſub. ann. 1163.

Some-

Some monarchs, great in war, or while they are ſtruggling with the ſtorms of adverſity, ſink, in tranquillity, into an effeminate and negligent indolence, which ſeems to unnerve all the vigour of their minds. But Henry Plantagenet was not one of theſe. Peace did not lay his virtues aſleep: it only gave them a different exerciſe. His courage and magnanimity were then exerted in correcting the abuſes of government, and bringing the ſtate of the whole kingdom as near to perfection as the times would permit. How far he had gone, before, in this arduous undertaking, the reader has ſeen. But a wiſe prince will never think of endeavouring to reform all evils at once; much leſs ſuch as are covered under reſpectable names. Where he has not only faction, but prejudice, to contend with, he will proceed with great caution, wait for proper ſeaſons, and be ſure, by other trials, that his authority is too ſtrong to be eaſily baffled. Nay, he will be patient till he has brought the voice of the publick to declare itſelf loudly in favour of the reformation he meditates. Henry did thus, with regard to the independency on the civil power, which, in Stephen's reign, the Engliſh clergy had arrogated to themſelves, and ſtill continued to claim. But, before I enter upon this ſubject, I think it will be proper to give ſome account of him in thoſe parts of his character, which make us acquainted with *the man* as well as *the king*. I ſhall alſo delineate a ſhort ſketch of the cuſtoms and manners of the nation, and endeavour to ſupply whatſoever is wanting for the information of the reader, in the civil and political ſtate of the kingdom.

V. Petri Bleſenſis epiſt. 66. inter opera ejus, et in Appendice.

The perſon of Henry was maſculine and robuſt, excelling rather in ſtrength of limbs and dignity of aſpect, than in delicate or exact proportions of beauty. Yet his features were good; and, when his mind was ſerene, there was in his eyes a great ſweetneſs; but, when he was angry, they ſeemed to ſparkle with fire, and dart out flaſhes of lightening, ſays Peter of Blois, in

in a deſcription he gives of him to the archbiſhop of Palermo. This paſſionate temper, which ſhewed itſelf in his countenance by ſuch viſible marks, was his greateſt imperfection: for, upon any ſudden provocation, he could not command the firſt motions of his rage, though at other times he poſſeſſed an extraordinary degree of prudence and judgement. Nevertheleſs this infirmity never betrayed him into furious or cruel actions; but only broke out in words or geſtures: nor did his anger laſt long; and, when he was cool, his diſpoſition and behaviour were gentle and humane. He was tenderly compaſſionate to all perſons in diſtreſs; and his good œconomy ſeemed to be chiefly employed in providing an ample fund for his charity and bounty. Beſides what he laid out in acts of munificence occaſionally done, ſome of which were the greateſt we read of in our hiſtory, he aſſigned the tenth part of the proviſions of his houſhold, to be conſtantly given in daily alms to the poor. His treaſures were ever open to all men of merit; but he was particularly liberal in his preſents to ſtrangers, who came to viſit his court; as many did from all the nations in Europe, drawn by his fame, which was every where high and illuſtrious. Giraldus Cambrenſis, a writer of conſiderable note in thoſe days, ſpeaks of him with ſome degree of cenſure on this account; as if his having been ſo laviſh to foreigners was a detriment to his ſervants and domeſtick attendants, who were better entitled to his gifts. But very little regard is due to that author in what he ſays againſt Henry, towards whom he was ſowered, not only by his prejudices as an eccleſiaſtick, but by having been diſappointed in his hopes of promotion to the ſee of St. David's, which I ſhall have occaſion to ſay more of hereafter. His malignity appears very ſtrong in this inſtance: for ſurely that prince deſerved no blame, but rather much commendation, for this part of his conduct. A generous hoſpitality is not the leaſt of royal virtues. It does honor to a nation, and is attended with many political be-

V. G. Camb. Hibern. expugnat. c. 45.

nefits: for gueſts, who have been obliged by favours conferred upon them in a foreign court, return home the partizans and friends of that court, and often ſerve it more uſefully than its own miniſters. Nor can there be a more ſhameful weakneſs in a king, than the allowing his courtiers to conſider his wealth as a part of their property. Henry was too wiſe to encourage ſuch a notion. He did not ſuffer thoſe about him to confine to themſelves either his purſe or his ear. As his own judgement directed the courſe of his bounty, ſo his affability extended itſelf even to the meaneſt of his ſubjects: inſomuch that his miniſters muſt have found it a very difficult matter to conceal from him any truth, which it was uſeful for him to know. But though his ears were always open to information or complaint, his heart was ſhut againſt calumny: nor did any good ſervant, through the whole courſe of his long reign, ſuffer any loſs of favour or credit, by the ſecret whiſpers of malice, or the vain and groundleſs clamour of popular rumours. He was ſo conſtant in his friendſhips, and choſe his miniſters with ſuch diſcretion, that not one of thoſe whom he principally truſted was ever diſgraced; except only Becket, who rather quitted, than loſt, the place he had gained in his heart. The perſons who are moſt ſteady in their attachments are generally moſt apt to retain their averſions: and I find it obſerved in the character of this prince, that whom he once hated he could hardly be perſuaded to admit any more to a ſhare of his favour; but it does not appear that he ever hated any man without a ſufficient cauſe. With what a generous clemency he pardoned rebellions, and other offences committed againſt himſelf, ſome remarkable inſtances have already been given, and more will occur in the latter parts of this hiſtory: but there is one which it is proper to take notice of here, as it will not fall in with the ſeries of events in the following books.

V. Petri Bleſ. epiſt. ut ſupra.

Some

Some gentlemen of his court being accuſed, in his preſence, of having, at the ſuggeſtion of the biſhop of Worceſter, talked of him indecently and to his diſhonor, they did not deny the words which were laid to their charge, but alledged that they were ſpoken when their minds were heated and diſordered with wine. On this apology, he diſmiſſed them all without any puniſhment, and retained no unkindneſs towards them or the biſhop: an admirable proof of true magnanimity, and ſuch as is found in few princes! for even the beſt are ſometimes more angry at any liberty taken with their perſons, than at an act of high treaſon againſt their crown. But Henry's good nature got the better of his pride; and he was ſo wiſe as to know, that his character would gain more by this moderation, than it could ſuffer by any injurious aſperſions. Nor would he encourage the baſeneſs and malignity of informers, who endeavour to recommend themſelves to the favour of a prince, by bringing to his year the unweighed expreſſions of men in their hours of freedom: a practice as pernicious to the quiet of the ſovereign, as to the ſecurity of the ſubject. Henry's behaviour on this occaſion effectually delivered his court from that peſt, and rendered the air of it pure and healthful to liberty.

V. G. Camb. part ii. p. 427. in Angliâ ſacrâ.

Of the piety of this prince we have a remarkable teſtimony from William Fitz-Stephen, a contemporary writer of Becket's life. He tells us, that the king would ſometimes watch with the monks of Merton-abbey three nights before Eaſter: and that, after the evening ſervice on Good Friday, he was accuſtomed to ſpend the remainder of the night, till the hour of nine, when the ſervice of Eaſter eve begins, in walking on foot, and muffled up in a cowl, with only one companion, to viſit all the poor churches in the neighbourhood, and perform his devotions in them. The ſerious ſenſe of religion, which

theſe practices ſeem to indicate, however tinctured with a degree of innocent ſuperſtition, deſerves great praiſe; and more eſpecially in a monarch, who with ſo much ſpirit oppoſed the encroachments of the church on the temporal rights of the ſtate.

V. G. Camb. ut ſupra. & Petri Bleſ. epiſt. ut ſupra.

No gentleman of that age excelled him in politeneſs, or had a more becoming and agreeable manner of converſing with all who approached him. His wit was very lively, but neither petulant, nor ill-natured: ſo that it made him no enemies, nor ever let down the dignity of his character. He had alſo the advantage of a wonderful memory, and a great flow of natural eloquence; which happy endowments he improved by a continual application to learning. For he was not content (as princes uſually are) with the rudiments acquired in his childhood; but conſtantly employed a great part of his leiſure in ſecret ſtudy, or in aſſemblies of churchmen, with whom he delighted to reaſon and to hear their opinions, on points of literature and ſcience. His daily ſchool (ſays Peter of Blois) was the converſation of the moſt learned men, and a kind of academical diſcuſſion of queſtions.

V. P. Bleſen. ut ſupra.

V. Fitz-Stephen in vitâ S.T.Cantuar.

With his intimate friends he lived in the moſt gracious and eaſy familiarity, particularly with Becket, to whoſe houſe and table he would frequently come uninvited and unexpected. *After they had finiſhed their ſerious affairs, they played together* (ſays a writer of Becket's life) *like two boys of the ſame age.* The king's good humour ſeems indeed to have been ſometimes *too playful, in the eye of the publick.* But the notions of decorum were not in thoſe times ſo high and rigid as now: nor could the military life, then led by our monarchs, be rendered conſiſtent with all that pride of royal ſtate, which the forms of a ſettled court are thought to require. Indeed any king may ſafely and amiably diveſt himſelf of his majeſty, in hours

hours of recreation, if he knows how to keep it up, on proper occaſions; and if thoſe companions, whom he chuſes to unbend himſelf with, are neither ſo mean, nor ſo vicious, as by their intimacy to diſhonor and leſſen his character. Henry ſported with his chancellor, and with the nobility of his court: but it does not appear that he ever contaminated himſelf with the low ſociety of buffoons, or any of thoſe who find acceſs to the leiſure hours of princes, by miniſtring to their vices, or ſoothing their follies.

His favourite diverſion was hunting; in which he followed the cuſtoms of his anceſtors, and more eſpecially of the Normans, who took a pride in this exerciſe, as indicating a manly temper of mind, and forming the body to the toils and hardſhips of war. We are told by his ſecretary, Peter of Blois, that when he was not reading, or at council, he had always in his hands a ſword, or a hunting ſpear, or a bow and arrows. The hunting ſpear was uſed againſt wild boars, which were then in our foreſts, and adding greatly to the danger added alſo to the honor of this recreation. Henry roſe by break of day, purſued the chace till evening with unabated ardour, and when he came home, though all his ſervants were tired with following him, he would not ſit down; but was always on his feet, except at his meals, which he uſually made very ſhort. Even while he was conſulting on buſineſs with his miniſters, he ſtood, or walked. Thus he kept down a diſpoſition to corpulency which would have otherwiſe incommoded him, and preſerved the alacrity of youth to old age. From the continual habit of exerciſe he was ſo indefatigable, that he would perform in one day (if occaſion required it) a journey of three or four to an ordinary traveller; by which expedition he often came unexpectedly upon his enemies, diſconcerted the meaſures that were taken againſt him, and cruſhed the firſt motions to rebellion or ſedition, even in the moſt

V. Epiſtol. ut ſupra.

moſt diſtant parts of all the ſeveral ſtates that were under his government. The frequent progreſſes he made about England have already been mentioned. They were very beneficial to his people; the execution of the laws, the good order of cities, the improvement of agriculture, manufactures, and trade, being thus under his own immediate inſpection. He was the ſoul of his kingdom, pervading every part of it, and animating the whole with his active vivacity. Nor were his cares for the publick interrupted by luxury, or the powers of his mind diſordered and enfeebled by exceſs. He was conſtantly ſober and often abſtemious both in eating and drinking. His table was frugal, his diet plain, and in his dreſs he affected the utmoſt ſimplicity, diſliking all ornaments, which might incumber him and hinder his exerciſe, or ſhew an effeminate regard to his perſon. Yet this did not proceed from inattention to women. He was but too ſenſible of the power of their attractions, and too deſirous to pleaſe them, even to the end of his life.

His firſt miſtreſs was Roſamond, daughter of Walter de Clifford, a baron of Herefordſhire, and the moſt celebrated beauty in England. Their intrigue muſt have begun in the year eleven hundred and forty nine, during the ſhort ſtay he made in the weſtern parts of that kingdom, before he went to join the Scotch at Carliſle, and when he was very little more than ſixteen years old: for after that time he never was in England till the beginning of the year eleven hundred and fifty three; and from good authority it appears, that his younger ſon by this lady was almoſt twenty years old, when he was elected biſhop of Lincoln, in the year eleven hundred and ſeventy three. The eldeſt muſt therefore have been born in the year eleven hundred and fifty; unleſs we ſuppoſe that his mother followed her lover into France, of which there is not the leaſt intimation in any ancient author. At Henry's return into England,

V. G. Camb. de vita Galfridi archiep. c. i. in Angliâ ſacrâ, t. ii. Diceto imag. hiſtor. ſub ann. 1173.

land in January eleven hundred and fifty three, he renewed his amour with her, and ſhe muſt have brought him Geoffry, her ſecond ſon, during the courſe of that year. As he was then married, he might, probably, be afraid of Eleanor's jealouſy, and ſollicitous to hide his intrigue from her knowledge; which he might think ſtill more neceſſary, when ſhe was with him in England, after he came to the crown. And this may have given riſe to the romantick tradition, mentioned by Brompton, of his having made a kind of labyrinth, in his palace of Woodſtock, to conceal his miſtreſs from the ſight and vengeance of his queen. But the tale of her having been poiſoned in that palace by Eleanor has no foundation. Before her death ſhe retired to the nunnery of Godſtow near Oxford; and there ſhe died, in what year I cannot find; but it appears that it was during the life of her father. Henry beſtowed large revenues on the convent; in return for which he required, that lamps ſhould be kept perpetually burning about the remains of this lady, which were placed near the high altar, in a tomb covered with ſilk: but, under the reign of his ſucceſſor, Hugh biſhop of Lincoln commanded them to be taken away from thence, as being unworthy of ſo holy a place: upon which they were removed to the chapter-houſe of the nunnery, and there interred. It may be queſtioned, whether mere piety and zeal againſt vice excited the biſhop to this act, or a deſire of making his court to Eleanor, who then governed the kingdom. That Roſamond, after her retreat from the world and her lover, lived the life of a penitent, and died in the communion of the church, I ſee no room to doubt: but, if the tender reſpect, which Henry paid to her memory, was carried too far, it was (to ſay the worſt of it) the amiable extravagance of a good heart. One ſhould ſuppoſe, that, ſo long as their connection continued, he had no other miſtreſs. Yet we are told by a writer of Becket's life, that, before the promotion of that prelate to Canterbury, there was at Stafford a very handſome girl, with whom Henry was ſaid to cohabit.

See Dugdale's Baronage under Clifford.

Hoveden, pars poſter. Ricard I f. 405, ſect. 20.

V. Wilhelm. in Quadrilog.

cohabit. Poſſibly Roſamond might be dead before this intrigue began. Fitz-Stephen, in his account of the beginning of the quarrel between Henry and Becket, mentions a ſiſter of the earl of Clare and Pembroke, as the greateſt beauty in England, and one for whom the king had entertained a paſſion: but that ſhe did not yield to his deſires may be inferred from the expreſſion made uſe of by that author. There was one Morgan, provoſt of Beverley, who was ſaid to be his ſon by the wife of Sir Ralph Blewit, or (as others write it) Blower; and was ſo proud of his birth, that, rather than deny it in the preſence of the pope, he renounced his election to the biſhoprick of Durham: but I do not find that he was ever acknowledged by his ſuppoſed father: and ſome authors ſay, that his mother was not the wife, but the daughter of Sir Ralph; which is the more probable account, as he was called, not Blewit, but Morgan. It appears from records, that Henry had a natural daughter, named Matilda, whom he made abbeſs of Berking, after the death of Becket's ſiſter, and whoſe mother's name was Joanna: but when ſhe was born, or of what family her mother was, is uncertain. I ſhall have occaſion hereafter to mention other inſtances of his incontinence, and ſome that produced the moſt unhappy effects: but in his love for Roſamond, or any other of the abovementioned ladies, there was no other weakneſs than what is inſeparable from the paſſion itſelf, irregularly indulged. He never ſacrificed to them one hour of buſineſs, or ſuffered them to meddle in the government of his kingdom. Nor was he laviſh in beſtowing either honors or riches on their relations or dependants. No worthleſs man ever roſe to power by their favour; no worthy man ever incurred a diſgrace at court by their malice. Henry was indeed too frequently a lover; *but he was always a king*.

Inter brevia regis apud Turrim Lond. de ann. 19. Edw. II.

Some curſory obſervations have already been made on the manners of the nation, as they were in thoſe days, but not ſo particularly as the ſubject requires. There is a remarkable paſſage

in

in William of Malmſbury upon the different characters of the Engliſh and Normans. He ſays, that, before the latter had obtained poſſeſſion of England, learning and religion were brought to ſo low a ſtate in that kingdom, that moſt of the clergy could hardly read divine ſervice; and, if, happily, any one of them underſtood grammar, he was admired and wondered at by the reſt as a prodigy. The Engliſh nobility were very deficient in the external duties of piety; it being cuſtomary among them, even for thoſe who were married, to hear matins and maſs ſaid to them in their bed-chambers, before they were up, and as faſt as the prieſts could poſſibly hurry them over; inſtead of attending divine ſervice, with proper ſolemnity, in churches or chapels. Many of them were guilty of the unnatural inhumanity of ſelling their female ſlaves, whom they had kept as their concubines, when they were big with child by them, either to publick proſtitution, or to perpetual ſlavery in foreign lands. They were alſo univerſally addicted to drunkenneſs, and continued over their cups whole days and nights, keeping open houſe, and ſpending all the income of their eſtates in riotous feaſts, where they eat and drank to exceſs, without any elegant or magnificent luxury. Their houſes were generally ſmall and mean, their garments plain, and ſuccinct: they cut their hair ſhort, and ſhaved their faces, except the upper lip; wearing no ornament, but heavy bracelets of gold on their arms, and painted figures, that were burnt into the ſkin, on ſome parts of their bodies. The Normans on the contrary (as the ſame author informs us) affected great finery and pomp in their cloaths; and were delicate in their food, but without any exceſs. They ſpent little in houſe-keeping, but were very expenſive and magnificent in their buildings, making that their chief pride, and introducing a new and better mode of architecture into this iſland. Nor did they only diſplay this magnificence in their own private houſes; but embelliſhed all the kingdom with churches and convents more ſplendid and elegant than thoſe of the Engliſh. They are alſo commended,

V. Malmſb. f. 57. l. iii. de W. I.

Idem, f. 56. l. iii. ſect. 20.

by the abovementioned hiſtorian, for eſtabliſhing here a more decent and more regular form of religion: but yet it is certain, that, by admitting new doctrines of popery, to which the Anglo-Saxon church had never aſſented, they further corrupted the purity of the Chriſtian faith in this iſland. He adds, that they were faithful to their liege lords, if they were not ill uſed; but that, on occaſion of the lighteſt offence given to them, they broke their allegiance: that being accuſtomed to a military life, and hardly knowing how to live without war, they made it with ardour; but, if they could not ſucceed by open force, they underſtood equally well how to employ both fraud and bribery: whereas the Engliſh had only a raſh and impetuous valour. He likewiſe tells us, that the Normans were apt to ſell juſtice; that they were full of emulation, ambition, and envy; that they frequently themſelves oppreſſed their vaſſals, but bravely defended them againſt all others; willingly intermixed with the people they had conquered, and of all nations in the world were the kindeſt to foreigners, putting them upon an equal foot with themſelves, if they came to ſettle among them.

V. Uſher Antiquit. eccleſ. Britan.

V. Malmſb. ut ſupra.

Such is the picture drawn by William of Malmſbury of the Engliſh and Normans compared and contraſted together: and no writer of thoſe times was better qualified than he to form a true judgement of their good and ill qualities, or more impartial between them; for he had very good ſenſe, with much knowledge of the world, and was equally related in blood to both nations. Nevertheleſs the diverſity, which he has obſerved in their manners, did not remain till the times in which he wrote. He tells us himſelf, that the Engliſh ſoon accommodated themſelves to thoſe of the Normans, after they had been forced to ſubmit to their government, except in one article, namely, their temperance in eating and drinking; but, inſtead of learning that, they communicated to them their own habits of drunkenneſs and immoderate feaſting, which

V. Malmſb. Prologum l. iii. de geſtis reg. Anglor.

continued

continued for many ages the national vices of their common poſterity.

In weighing the merits of each people, as here deſcribed, it will be found that the Normans were greatly ſuperior to the Engliſh in politeneſs and knowledge; and it may therefore be thought, that, by a mixture with them, the latter received ſuch improvements, as were a ſufficient compenſation for the many evils brought upon them in other reſpects. It muſt alſo be confeſſed, that, ſo long as the Anglo-Saxons were maſters of England, that kingdom was of no account in the ſyſtem of Europe; but grew to have weight and authority on the continent under the government of the Normans, both from the dominions which the princes of that race poſſeſſed in France, and from their active ambition, which, ſeconded by the enterpriſing and warlike diſpoſition of all their nobility, rendered the Engliſh name reſpected and illuſtrious abroad. But whether this honor was not purchaſed too dear, by the loſs of that peace, which the ſituation of England, eſpecially if united with Scotland and Wales, might have ſecured to it under the government and *iſland-policy* of the Saxons, may well be diſputed. Beſides the conſtant expence of blood and treaſure, one great miſchief, occaſioned by it, was the taking off the attention of many of our kings from the important objects of agriculture, manufactures, and commerce. Yet, on the other hand, it is certain that foreign wars, by exerciſing the valour, encreaſe the ſtrength of a nation, which, remaining long unemployed, is very apt to decay, and ſink into an infirm and effeminate ſoftneſs; particularly where the people are much addicted to commerce; the mercantile ſpirit prevailing over the military more than is conſiſtent with the ſafety or virtue of a ſtate. To keep up the energy of both theſe ſpirits in a proper degree, and without prejudice to each other, is a very important and very difficult work of political

wiſdom, which has been performed in few governments, either ancient or modern.

The military art, during the times of which I write, was in many particulars the ſame with that of the ancient Romans. We are informed by a contemporary German hiſtorian, that, in the methods of encamping, and of beſieging towns or caſtles, the Emperor Frederick Barbaroſſa followed their rules. And the hiſtories of the holy war, written within the ſame age, deſcribe the ſieges made in Aſia, by the Engliſh and French, agreeably to thoſe carried on under the diſcipline of that nation. We have one compoſed by an Engliſhman, Geoffry de Vineſauf, that gives a particular relation of the ſiege of Acre, or Ptolemais, to which he accompanied king Richard the Firſt. It appears from thence, that the beſiegers, among other machines which had been uſed by the Romans, had moveable towers, built of wood, and of ſuch a height, that the tops of them overlooked the battlements of the city. They were covered with raw hides, to prevent their being burnt; and had alſo a network of ropes which hung before them, and was intended to deaden the violence of the ſtones, that were thrown againſt them from the engines of the beſieged. Thoſe engines were called by this author *petrariæ*, but were the *baliſtæ* of the ancients; and, according to his account of them, their force was prodigious: they threw ſtones of a vaſt weight, and were employed by the beſiegers to batter the walls, as by the beſieged to defend them. He likewiſe mentions the croſs-bow among the weapons made uſe of in that ſiege. It had been introduced into England by William the Conqueror, who greatly availed himſelf of it, at the battle of Haſtings: but the ſecond Lateran council having forbidden it in wars between Chriſtian nations, it was laid aſide in this country, during the reigns of King Stephen and of Henry the Second. Nevertheleſs Richard the Firſt, at his return out of Paleſtine, brought it again into France, very fatally for himſelf, as he was killed ſoon afterwards by an arrow ſhot out of that engine.

V. R devic. l. ii. c. 2. c. 58.

V. Galf. Vineſauf. Angl. Ricard. reg. iter Hieroſol. c. 36.

V. P. Daniel Hiſt. de la milice Françoiſe, t. i. p. 62. V. Galf. Vineſauf, ut ſup.

V. G. Pictav. Guſt. G. Duc. Nor. p. 201.

P. Daniel hiſt. de la milice Françoiſe, l. vi. p. 424, 425. G. la Breton Philippiad. l. v.

The

The manner of fortifying towns and caſtles, as well as the methods both of attack and defence, were ſtill much the ſame as had been uſed by the Romans: but the armies differed much from thoſe of that people; for their principal ſtrength was in the cavalry; whereas, among the Romans, it was in the legions, which were chiefly compoſed of infantry. And this variation produced others, in the manner of fighting, and of ranging the troops. Yet, upon many occaſions, the horſemen diſmounted to fight on foot; and this ſeems to have been done by the Engliſh more frequently than by moſt other nations. The infantry, for the moſt part, were archers and ſlingers; nor were there any in the world more excellent at that time than thoſe belonging to this iſland, the Normans having communicated their ſkill to the Saxons, and the Welſh being famous for ſtrength, and dexterity in drawing the bow. The offenſive arms of the cavalry were lances and ſwords: but they alſo uſed battle-axes, and maces of different ſorts; and ſome fought with ponderous mallets or clubs of iron. I cannot better deſcribe their defenſive armour, than by tranſlating the words of a contemporary hiſtorian, who has given an account of the manner in which the order of knighthood was conferred on the father of King Henry the Second. "They "put him on (ſays that author) an incomparable habergeon, "compoſed of double plates or ſcollops of ſteel, which no ar- "row or lance could penetrate. They gave him cuiſhes, or "boots of iron, made equally ſtrong. They put gilt ſpurs on "his feet, and hung on his neck a ſhield, or buckler, on "which lions of gold were painted. On his head they placed a "helmet, which glittered all over with precious ſtones, and "was ſo well forged, that no ſword could cleave or pierce it."

V. Monach. Mairemb. hiſt. Gaufrid. Duc. See alſo Selden's Titles of Honor. And Pere Dan. hiſt. de la milice Françoiſe, l. vi. p. 385.

This armour, it may be preſumed, was richer than that of ordinary knights, and of more excellent workmanſhip in the temper of the ſteel; but in other reſpects much the ſame. The habergeons, or coats of mail, were different from the

cuiraſſes

cuiraſſes uſed in later times, being formed of double plates of iron, and covering the arms and ſhoulders of the knights, as well as their bodies. Under theſe they wore other coats, of leather, or of taffety, quilted with wool. The ſeveral parts of the outward armour were ſo artfully joined, that the whole man was defended by it from head to foot, and rendered almoſt invulnerable, except by contuſions, or by the point of a lance or ſword running into his eye, through the holes that were left for ſight in the vizor of the helmet: but if it happened that the horſe was killed or thrown down, or that the rider was diſmounted, he could make but little reſiſtance, and was either taken priſoner, or ſlain on the ground with ſhort daggers, which were uſually worn by the horſemen for that purpoſe. It being cuſtomary for all who were taken in war to ranſom themſelves with ſums of money, which were generally paid to thoſe who took them in proportion to the rank of the captives, good quarter was given.

V. Gul. Brito, p. 263. as cited by P. Daniel, hiſt. de la milice Françoiſe, l. vi. p 384.

There is a remarkable paſſage relating to this ſubject, in Ordericus Vitalis, a writer contemporary with King Henry the Firſt. He tells us, that, in a battle between Louis le Gros and that prince, of which an account has been given in a former part of this work, nine hundred knights were engaged, and only two of them killed: "becauſe (ſays the hiſtorian) they "were cloathed all over with iron, and from their fear of God, "and the acquaintance they had contracted by living together, "they ſpared one another, and rather deſired to take than kill "thoſe who fled." Some battles in Italy, which Machiavel has deſcribed, as fought by the mercenary bands of that country, in the fourteenth and fifteenth centuries, were of the ſame kind. But it muſt be obſerved, that one of the reaſons here given by Ordericus Vitalis, why ſo few of the knights, or men at arms, were ſlain in this action, viz. that they ſpared one another, out of regard to the acquaintance they had contracted by living together, did not hold in engagements between dif-

V, Ord Vital. l. xii. p. 854.

See vol. i. p. 137.

V. Hiſtoire Florentine, l. vii. p. 283.

ferent nations, that were not ſo connected as the French and Normans; nor in civil wars, where the animoſity is encreaſed, not diminiſhed, by the knowledge which the adverſe parties have of each other: and therefore in theſe we do not find that the battles were ſo harmleſs: yet the greateſt ſlaughter was generally made of the foot, who were neither ſo well armed for defence as the knights, nor able to pay ſo high a price for their ranſoms.

Roger de Hoveden ſpeaks of horſes covered with armour, in the reign of Richard the Firſt: but I find no mention thereof in the times of which I write; and that they were not uſually ſo armed in the reign of Henry the Firſt, may be proved from an action before related, between Odo de Borleng, and the barons of Normandy, who had revolted againſt that prince, in which all the horſes of the rebels were killed by the arrows of the Engliſh, though not one of the riders was wounded.

V. Hoveden. f. 444. 2. ſect. 50.

See vol. i. p. 142.

In the above-recited paſſage, concerning the arms that were given to Geoffry Plantagenet, when he received the order of knighthood, it is ſaid, "they brought him a lance of aſh armed "with the ſteel of Poitou, and a ſword from the royal trea- "ſure, where it had been laid up from old times, being the "workmanſhip of Galan, the moſt excellent of all ſword- "ſmiths, who had exerted in forging it his utmoſt art and "labour." A ſkilful ſwordſmith was then ſo neceſſary to a warrior, that it is no wonder the name of one who excelled in his profeſſion ſhould be thus recorded in hiſtory, and a ſword of his making depoſited in the treaſury of a king. It muſt be obſerved, that, in thoſe days, a ſuperior degree of bodily ſtrength gave a double advantage; for the ſtrongeſt knight could wear the heavieſt armour; whereby he was better ſecured than others againſt the weapons of an enemy; and at the ſame time he could wield the moſt ponderous weapons,

weapons, which the armour of others was unable to reſiſt. This advantage was ſtill encreaſed, if his ſword was finely tempered, and his defenſive arms were rendered more impenetrable by the ſkill of the armourer in preparing the ſteel. Thus ſome extraordinary acts of perſonal valour, which are related in our ancient hiſtories, and ſeem to us quite incredible, may indeed be true. A ſingle man, in a narrow paſs, may have defended it againſt a great number of aſſailants; and the ſucceſs of a battle may have ſometimes been decided by the particular proweſs of a few knights, or men at arms.

C. 22. Geoffry de Vineſauf, in his account of the cruſade againſt Saladin, makes the officers of the Turkiſh forces ſay to that prince, in excuſe of their having been beaten in an engagement with the Engliſh, *that they could not hurt the enemy, who were not armed as they were, but with impenetrable armour, which yielded to no weapons; ſo that in aſſaulting them they ſeemed to ſtrike againſt flints.* The ſame author deſcribes the Turks in another part of his book, as being armed very ſlightly, but bearing a quiver full of arrows, a club ſet thick with ſharp ſpikes, a ſword, a light javelin, and a ſhort dagger or knife. Yet it appears, from his own relations of ſeveral battles, that with theſe weapons they often killed a great number of the Chriſtians: and therefore we muſt underſtand the paſſage before-cited with ſome allowance for a degree of exaggeration. We alſo find that the armour of the knights in thoſe days was not always proof againſt arrows from Welſh or Engliſh bows. And ſuch violent ſtrokes were given with maces and clubs of iron, as no helmets could reſiſt. Beſides the heavy cavalry, there was a ſort of light-horſe, that only wore an habergeon and ſcull-cap of that metal. Some of the infantry had alſo ſcull-caps and jaquettes of mail, with targets of wood, or light breaſt-plates. It was cuſtomary for knights to bear their coats of arms painted, either upon the rims, or in the middle of their ſhields; and their helmets were adorned with different creſts, which, together with the arms, remained to their families.

V. Gul. le Breton. Philip. p. 253. et P. Daniel hiſt. de la milice Françoiſe, p. 392.

Some good authors have aſcribed the origin of this cuſtom, from whence the modern ſcience of heraldry was derived, to the inſtitution of tilts and tournaments, in the tenth century: but others date it from the cruſade under Godfrey of Bouillon, when the confuſion ariſing from ſo great a number of noblemen of different nations ſerving together made them invent theſe diſtinctions. A late ingenious French writer has very juſtly obſerved, that wearing ſuch enſigns on their ſhields, and appropriating them to diſtinguiſh particular families, could not have been the general practice in Europe, till after the death of William the Conqueror: for, if it had, his ſon Robert muſt have known him by his armour, and could not have ignorantly thrown him to the ground, as hath been related in the book prefixed to this hiſtory.

V. Eſſai ſur la Ville de Paris.

Tilts and tournaments, we are told, were firſt introduced into Germany by the emperor Henry, ſurnamed the Fowler, who died in the year nine hundred and thirty ſix; and who, among other ordinances relating to thoſe ſpor t, forbad the admitting of any perſon to jouſt, who could not prove a nobility of four deſcents. Soon afterwards they were brought into England by King Edgar; and, in the following century, were eſtabliſhed all over France. Geoffry de Preuilly, a baron of Anjou, is mentioned, in ſome of the hiſtories or chronicles of that age, as the firſt who introduced them into that kingdom: but Father Daniel rather thinks, that he only drew up a code of laws, by which they were regulated; and that thoſe regulations had been ſettled by the king and the nobility in their aſſemblies.

V. Selden de Duello.

Hiſt. de la milice Françoiſe, l. vi.

Theſe entertainments are juſtly called, by ſome of our ancient hiſtorians, *military exerciſes* and *preludes of war*. For they were of very great uſe to inſtruct the nobility in all the methods of fighting which prevailed at that time, but eſpecially in the dextrous management of their horſes and lances.

V. Neubr'g. et Hoveden.

They alſo kept up a martial diſpoſition, and an eager emulation for military glory, in time of peace. But, as they were frequently attended with accidents fatal to the lives of the combatants, Pope Innocent the Second and Eugenius the Third made canons againſt them, by which all who ſhould die in them were denied Chriſtian burial. Yet, notwithſtanding the ſeverity of this prohibition, they continued in France; and a few of them were held under King Stephen in England; but Henry the Second, from the humanity of his nature; or, perhaps, to ſhew his reſpect for the authority of the church, where the intereſt of the ſtate did not abſolutely oppoſe it, moſt ſtrictly forbad them. His ſons revived the practice of them, eſpecially his ſucceſſor, Richard; whoſe ardour for them was violent; becauſe no perſon excelled in them more than himſelf: nor did they entirely ceaſe in England till the latter end of the ſixteenth century: for, in the year fifteen hundred and ſeventy two, among other pomps for the entertainment of the duke of Anjou, Queen Elizabeth held a tournament in the tilt-yard at London, where Sir Philip Sidney won the prize: and carouſals, another mode of them, but not ſo dangerous, continued in uſe under James and Charles the Firſt. It muſt be likewiſe remarked, that, although tournaments were prohibited by King Henry the Second, the exerciſes practiſed there, and the emulation excited by them, were not intermitted during the courſe of his reign. A contemporary writer informs us, in giving an account of the city of London, that, on every Sunday in Lent, the ſons of the citizens ſallied forth in troops from the gates, mounted on war-horſes, and armed with ſhields and lances, or, inſtead of lances, with javelins, the iron of which was taken off, in order to exerciſe themſelves in a repreſentation and image of war, by mock-fights, and other acts of military contention. He adds too, that many courtiers, from the neighbouring palace, and young gentlemen of noble families, who had not yet been knighted, came to combat with them, on theſe occaſions. It

cannot

See the Works of Sir P. Sidney and Preface.

See Fitz-Stephen's account of London prefixed to his Life of Becket.

cannot be doubted, that thoſe noblemen, who had been honored with knighthood, had proper places of exerciſe, for keeping up their ſkill in horſemanſhip, and the dexterity they had acquired in the management of their arms. The above-mentioned author ſays further, that on every holiday, throughout the whole ſummer, it was uſual for the young citizens to go out into the fields, and practiſe archery, wreſtling, throwing of ſtones and miſſile weapons, with other ſuch martial ſports. And, during the feſtival of Eaſter, they repreſented a kind of naval fight on the river Thames.

The moſt particular and authentick account I have met with of the navies in thoſe days, and alſo of the manner of fighting at ſea, is in the before-cited hiſtory of Geoffry de Vinefauf. From his deſcription it appears, that the ſhips of war were all *gallies*; but he ſays, that in his time they had generally no more than two rows of oars: and he adds, that the veſſel, which the Romans called *Liburna*, was then named a galley; being long, narrow, and low-built. To the prow was affixed a piece of wood, commonly then called *a ſpur*, but by the ancients, a *roſtrum*; which was deſigned to ſtrike and pierce the ſhips of the enemy: but there were alſo leſſer gallies, with only one tier of oars: which being ſhorter, and therefore moved with greater facility, were fitter for throwing wild-fire, and made uſe of to that purpoſe. The ſame writer has related all the circumſtances of a ſea-fight, which the Chriſtians, who were going to the ſiege of Ptolemais, had with the Turks, on that coaſt. He tells us, that when the fleets were advancing to engage, that of the Chriſtians was drawn up, not in a ſtrait line of battle, but in a creſcent or half-moon; to the intent, that, if the enemy ſhould attempt to break in, they might be incloſed in that curve, and conſequently overpowered. In the front of the half-moon (that is, at the two ends of the curve) the Chriſtians placed their ſtrongeſt galleys, that they might attack with more alacrity,

and better repel the attacks of the enemy. On the upper deck of each galley the ſoldiers belonging to it were drawn up in a circle, with their bucklers cloſely joined; and on the lower deck the rowers ſat all together, ſo that thoſe who were to fight, and were placed above for that purpoſe, might have the more room. The action began, on both ſides, with a diſcharge of their miſſile weapons: then the Chriſtians rowed forwards, as ſwiftly as they could, and ſhocked the enemy's galleys with the ſpurs or beaks of theirs: after which they came to cloſe fighting; the oppoſite oars were mixed and entangled together; they fixed the galleys to each other by grappling irons thrown out on both ſides; and fired the planks with a kind of burning oil, commonly called *Greek wild-fire*. The account which the ſame hiſtorian gives of *that wild-fire* is worth tranſcribing. His words are theſe: "*With a per-* "*nicious ſtench and livid flames it conſumes even flint and* "*iron: nor can it be extinguiſhed by water: but by ſprinkling* "*ſand upon it the violence of it may be abated; and vinegar* "*poured upon it will put it out.*"

We know of none ſuch at preſent. The compoſition was firſt diſcovered by Callinicus, an architect, who came from Syria to Conſtantinople; and the Greek emperors, for ſome time, kept the ſecret to themſelves. Conſtantine Porphyrogenitus, in his treatiſe on the adminiſtration of the empire, which he dedicated to his ſon, adviſes that prince to anſwer the barbarians, who ſhould deſire him to give them any of the *Greek fire*, that he was not allowed to part with it, *becauſe an angel who gave it to Conſtantine the Great, commanded him to refuſe it to all other nations.* While this advice was adhered to, the wild-fire proved of great uſe to the defence of the empire; ſeveral fleets, which came to invade Conſtantinople, having been burnt and deſtroyed by it: but it appears by the paſſage above-quoted, that in the twelfth century the ſecret was known to many other nations, and even to the Mahometans.

V. Monteſquieu, Cauſes de la grandeur et decad. de l'empire Rom.

tans. I find alſo that it was uſed in the attack and defence of towns and caſtles.

The Saxon chronicle tells us, that King Alfred, to oppoſe the invaſions of the Danes, ordered a number of ſhips or rather galleys, to be built upon a new model, different from thoſe which were uſed by that nation, or by the Friſons; being higher than any of theirs, and almoſt twice as long; better ſailors, more ſteady, and more proper for war. Of theſe ſome had ſixty oars, and others more. Experience ſhewed that they were ſuperior to any of thoſe ſhips, with which the northern corſairs had infeſted the coaſts of England, till this admirable prince, whoſe genius and application to whatever might conduce to the benefit of the publick inſtructed his ſubjects in all kinds of uſeful knowledge, made this improvement in the naval architecture of the Anglo-Saxons. His ſon, and grandſons, after the wiſe example he had ſet them, kept up very ſtrong fleets, which not only protected, but enlarged their dominions. And, (if we may believe the accounts of ſome ancient hiſtorians) his great grandſon Edgar raiſed the maritime force of England to ſuch a degree, as cannot be paralleled in the hiſtory of any other nation. They tell us, that this monarch had three ſeveral fleets, each of twelve hundred ſail, and all ſtout ſhips, which were ſtationed to guard the different coaſts of his kingdom; and that every year he cruiſed in each of theſe ſquadrons, ſo as to make, within that time, the whole tour of the iſland. If theſe ſhips had been built upon the ſame model as Alfred's, the number of rowers aboard of them, allowing but one to each oar, would have exceeded two hundred thouſand, beſides the mariners that were neceſſary to manage the ſails, and ſoldiers for battle. But ſuppoſing that three in four of them were of a much ſmaller ſize, and carried no more than four and twenty men each, which was the loweſt complement of any that we read of in thoſe days, the number is ſtill greater than England, not united

Chron. Saxon. ſub ann. 879.

V. Flor. Wig. ſub ann. 938. Hoveden, ſub ann. 937.

united either with Scotland or Wales, could poſſibly furniſh, to be kept, as it is ſaid theſe were, in conſtant employment. I am therefore ſurpriſed that Mr. Selden, in one of his moſt important and elaborate works, ſhould ſeem to have given credit to this account, which certainly is exaggerated very far beyond truth: though it is probable that King Edgar had a much ſtronger fleet, and more conſtantly maintained on all the coaſts of his kingdom, than moſt of his predeceſſors; becauſe we find that he enjoyed a ſettled peace, through the whole courſe of his reign, unmoleſted by any of the people of the North, or other foreign ſtates. Yet he had not been dead above ſix or ſeven years, when the naval power of the Engliſh was ſo ſtrangely reduced, or ſo ill managed, that a Daniſh ſquadron of ſeven ſhips was able to inſult ſome parts of their coaſts, and to plunder their town of Southampton. Nor did the loſs and diſhonor which the nation had ſuſtained by this deſcent, excite them to reſtore, or better regulate, their maritime forces. For, ten years afterwards, Ethelred, or rather thoſe who had the direction of publick buſineſs, during the tender years of that prince, could find no means of delivering the kingdom from theſe invaders, but by giving them money; for the raiſing of which a new tax, called *danegeld*, was impoſed on the people.

V. Mare clauſ. c. 10.

Chron. Saxon. Flor. Wigron. et Malmſb. See alſo Sir G. Crooke's Argument in the caſe of the ſhip-money, State-Trials, vol. *i.*

The natural effect of this timid meaſure was to draw on other invaſions. They accordingly happened; and more compoſitions of the ſame nature were exacted, each new payment being higher than the foregoing: ſo that from ten thouſand they came to eight and forty thouſand pounds; a great ſum in thoſe days! One vigorous effort was indeed made by Ethelred, in the year one thouſand and eight, to free himſelf and his people from this infamous tribute, by a general tax on all the land of the kingdom, for the fitting out of a fleet, which might effectually guard it againſt the Danes. Every three hundred and ten hides of land was charged to

Chron. Saxon. ſub ann 1008.

furniſh a galley of three rows of oars, and every eight hides to provide a coat of mail and a helmet; which armour was for the ſoldiers, deſigned to be employed as marines, aboard of the fleet. This was done with the advice and conſent of the parliament, or *witena gemote:* and the Saxon chronicle tells us, that the number of ſhips built and equipt the next year, by means of this impoſition, was greater than any, that the Engliſh nation had ever furniſhed under any former king. Mr. Selden obſerves, that, according to a computation made in Camden's *Britannia* from rolls of that age, the number of hides of land in England did not exceed two hundred and forty three thouſand ſix hundred; which makes the number of ſhips obtained by this hidage ſeven hundred and eighty five. This apparently was a fleet ſufficient to have maintained the ſovereignty of our ſeas againſt any other nation. Yet, by violent tempeſts and wicked treachery, it was ſoon deſtroyed; and the wretched expedient of compounding with the Danes was again taken up; which at laſt proceeded ſo far, that, in the year one thouſand and twelve, the Engliſh nobility, after paying the tribute (though too late to prevent the enemy from over-running and ſubduing a great part of the kingdom) hired a ſquadron of Daniſh ſhips to guard their coaſts againſt the attacks of other corſairs. All England being ſoon afterwards ſubjected to Canute, that prince, in the year one thouſand and eighteen, diſmiſſed all his Daniſh fleet, except forty ſhips, which he retained to ſecure his new-acquired dominions: but, in the year one thouſand and twenty eight, he carried with him to Norway fifty five ſhips of war, which his Engliſh Thanes provided for him, and by which he was enabled to conquer that kingdom. His ſon and ſucceſſor, Harold Harefoot, who reigned only four years, laid a tax upon the Engliſh to maintain conſtantly in his ſervice ſixteen ſhips of war, allowing eight marks to each rower, according to the eſtabliſhment ſettled by Canute. His brother, Hardicanute encreaſed that number to ſixty two, with the ſame allowance

Chron. Saxon. ſub ann. 1009.

V. Mare clauſ. c. 11.

Chron. Saxon. ſub ann. 1012.

Ch. on. Saxon. ſub ann. 1018.

Ibidem, ſub ann. 1028.

Ibidem ſub ann. 1039.

allowance to each rower; for the defraying of which there was paid, in the ſecond year of that king, twenty one thouſand and ninety nine pounds: but preſently afterwards he reduced the number of ſhips to thirty two, and the charge to eleven thouſand and forty eight pounds. In truth, it was not neceſſary that theſe Daniſh princes ſhould keep any great naval forces for the defence of this iſland; as they themſelves had the dominion of thoſe northern countries, from whence the former invaſions and deſcents had been made: and as no other power, then exiſting, could pretend to diſpute with them the empire of the ocean.

Chron. Saxon. ſub ann. 1040.

V. Malmſb. de geſtis Reg. Angl. l. ii. c. 12. et alios.

Hiſtorians relate that earl Godwin, to appeaſe the anger of his ſovereign, Hardicanute, for the ſhare he had in the death of Alfred, that prince's brother, preſented him with a ſhip, the beak of which was of gold, and which carried eighty ſoldiers, of whom every one had on each arm a golden bracelet, that weighed ſixteen ounces; on his head an iron helmet, gilt with gold, as were alſo the other parts of his armour; on his left ſhoulder a Daniſh battleaxe, and in his hand a javelin: which circumſtances I here mention, not ſo much on account of the richneſs of the gift, as to ſhew the number of ſoldiers, that, in thoſe days, ſerved aboard of ſhips of war, and how they were armed. For it may reaſonably be ſuppoſed, that this galley was equipt in much the ſame manner as others were at that time, except the peculiar magnificence of the gold in the beak and in the ornaments of the ſoldiers.

See Domeſday Book and Herming. Chartul. vol. i.

It appears from records, that danegeld was levied in the reign of Edward the Confeſſor, not to be paid to the Danes, but to oppoſe their invaſions; and it ſeems to have been continued during the firſt eight years of that king, as a conſtant fund for his navy. We are told that he took it off, in the year of our Lord one thouſand and fifty one, becauſe he ſaw the devil dance on a heap of the money collected by that tax:

V. Ingulph. p. 65. ſub ann. 1051. edit. Gale.

but

but Ingulphus, who mentions this ridiculous tale, only as a popular rumour, gives us a very good reaſon why the lands of the kingdom were then diſcharged of this burthen, namely, there being a great famine that year, which moved the king to remit it, out of charity to the poor. Yet it muſt be obſerved, that this *temporary* evil was no proper cauſe for aboliſhing a tax, which at other times might be neceſſary, *to all perpetuity:* and therefore I much doubt the hiſtorian's exactneſs in ſaying it was ſo aboliſhed. Edward's ſucceſſor, Harold, drew together a fleet of ſeven hundred ſhips of war; and yet we do not find that any danegeld, or other ſimilar impoſition, was levied by that prince. This expence therefore muſt have greatly exhauſted his treaſury, and, together with the charge of his mercenary troops, will account for his having been ſo tenacious of the ſpoils he took from the Norwegians.

V. Pictav. ſect. 2. p. 201.

In the year one thouſand and eighty three (or, as others ſay, eighty four) William the Conqueror, apprehending a great invaſion of England from Denmark and Flanders, revived danegeld, and advanced it to ſix ſhillings a hide: but as it appears that many lands, which, under the Anglo-Saxon kings, had been charged with this tax, were exempted from it by him (on the ſubject of which exemption I ſhall ſay more hereafter) it is probable, that, notwithſtanding the augmentation of the charge, the produce was little more than had been obtained from former danegelds. We are told by the author of the dialogue *de Scaccario*, which was written in the reign of Henry the Second, "that William "the Conqueror would not revive this tax (which, at firſt, "had been exacted upon urgent neceſſity, in time of war) "*as an annual ſupply*; nor yet would he entirely give it up; "but reſerved it to anſwer extraordinary and unforeſeen oc"caſions: for which reaſon it was rarely taken by him or his "ſucceſſors, and only when actual wars with foreign na-

Chron. Saxon. ſub ann. 1083. Hoveden, ſub ann. 1084.

l. i. c. 12.

"tions, or the fear thereof, came upon them." It is not certain that danegeld, or, as the Saxon chronicle terms it, *militare tributum*, was ever exacted by William Rufus. He impoſed indeed a hidage of four ſhillings a hide on all the land of the kingdom: but it was not gathered, like the former danegelds, for the augmentation or ſupport of the royal navy, or for the defence of the coaſts, on any alarm of invaſion, but to enable him to acquire the dutchy of Normandy, in mortgage from his brother. I therefore conſider this exaction, as of quite a different nature, tho', being levied from the lands of England, as danegeld had been, it was, inaccurately, ſo called. The aid to Henry the Firſt for the marriage of his daughter, which he claimed as a feudal right, is ſaid by ſome writers to have been raiſed by a land tax, after the rate of three ſhillings on every hide of land. But nothing can be more improper than to call this a danegeld, though Mr. Madox has cited an old manuſcript chronicle, in which it is ſo denominated. Henry of Huntington mentions it, but without that appellation. Nevertheleſs it appears by the *great roll*, commonly called the fifth of King Stephen, but which Mr. Madox has demonſtrated to belong to the reign of Henry the Firſt, that it was collected ſix years together by that king, and accounted for in the ſame words that were wont to be uſed in accounting for the ſettled yearly revenue. Of Stephen's reign we have no rolls; but notice is taken, in ſome hiſtories, of his levying of danegeld, which he had a good pretence to do, as he was in perpetual fear of invaſions from Normandy, or other parts of France, in favour of Matilda or her ſon. We find by the rolls that it was paid in the firſt, ſecond, twentieth, and twenty firſt years of Henry the Second. The low ſtate in which he found the fleet of England might make it neceſſary for that prince to continue this impoſition till the third year of his reign; and the danger of an invaſion from France or Flanders might naturally induce him to revive it in the twentieth.

Chron. Saxon. p. 156 ſub ann. 1040.

See Hiſt. of the Exchеq. p. 475, c 17. V, Huntingt. l. vii. f. 217.

V. Diſſertat. Epiſtol. de Magno. Rot. Scaccarii at the end of Madox's Hiſt. of the Exchеq. See Hiſt. of the Exchеq. c. 17.

What was the ordinary ſtrength of the royal navy, from the times of William the Conqueror to thoſe of Henry the Second incluſively, or to what number of ſhips it was encreaſed upon extraordinary exigences, we are not well informed. But it appears from a paſſage in the *Red book of the Exchequer*, that the *Cinque Ports*, during thoſe times, were obliged by their tenures, to provide fifty two ſhips, and twenty four men in each ſhip, for fifteen days, at their own charges, to defend the coaſts, when required. And not only theſe, but other maritime, and even ſome inland towns, held by the ſame kind of ſervice. This ſeems to have been the conſtant ſupport of the navy: but upon extraordinary occaſions danegeld was levied: and, altho' at the end of that century the name was loſt, a like proviſion was often made, in every age, by our parliaments, for the defence of the Britiſh ſeas and ſecurity of the kingdom.

V. Libr. Rubrum Scaccarii. See alſo the argument of Sir F. Weſton in the caſe of ſhip-money. See Mr. St. John's ſecond day's argument for Mr. Hampden.

See Spelman's Gloſſ. DANEGELD.

It has been mentioned in a former part of this work, that the Engliſh fleet in the channel did William Rufus good ſervice againſt his brother; a great number of Normans, who were coming over to ſupport the pretenſions of the latter, having been deſtroyed in their paſſage, by the ſhips that guarded the coaſt of Suſſex; which ſo intimidated Robert, that he durſt not attempt another embarkation. A ſufficient fleet was likewiſe ſent by Henry the Firſt, at the beginning of his reign, to oppoſe that prince in his paſſage between Normandy and England: but a part of it joined him; which enabled him to land without difficulty; and a peace being ſoon concluded between the two brothers, this iſland remained exempt from the invaſions of foreigners, or any alarm of that nature, till the war excited againſt Henry by the ſon of Duke Robert obliged him again to provide for the defence of his realm, by a proper exertion of it's maritime power.

See vol. i. p. 59. See alſo Sax. Chron. p. 195. ſub ann 1089. & H. Hunt. l. vii. f. 213. ſect. 10.

V. H. Hunt. l. vii. f. 216. ſect. 50.

During the reign of Stephen the Engliſh navy declined much in it's ſtrength, and we cannot wonder that it did: for the long inteſtine war, which deſolated the kingdom, ruined its commerce: without which it is impoſſible for any prince to maintain a naval power. This was reſtored, and, proba-

bly, augmented, by Henry the Second: yet it ſeems, that, till the latter part of his reign, he made no efforts to fit out any powerful fleets; becauſe, being maſter of almoſt all the French coaſt, and in cloſe alliance with the earls of Flanders and Boulogne, he feared no invaſion. For the kings of Denmark had given up all intentions of renewing their claim to England; nor did their ſubjects, or any other of the northern nations, continue thoſe piratical expeditions, which had been ſo troubleſome to the Engliſh in former times. It ſeemed therefore unneceſſary for Henry the Second to guard his coaſts by great fleets; and, being buſied upon the continent, he chiefly turned his thoughts to the encreaſing and ſtrengthening of his land-forces, which he might better make uſe of, either to defend or enlarge his territories in France. Geoffry de Vineſauf tells us, that after King Richard the Firſt had made himſelf maſter of Cyprus, when all his galleys were arrived in one of the ports of that iſland, the number of them, including five which he had taken from the Cypriots and added to his own, amounted to a hundred; whereof ſixty were ſuperior to the common armed galleys. And in another place he ſays, that a fleet ſo fine, and ſo well provided, had never been ſeen before. Beſides the galleys, Richard had with him, when he ſailed from the harbour of Meſſina in Sicily, a hundred and fifty great ſhips, which he uſed as tranſports. Theſe, we are told, he had ſelected from all the ſhipping in the ports of England, Normandy, Poitou, and his other maritime territories. That moſt of the galleys were built before the death of his father I think very probable; for they could not otherwiſe have been ready to put to ſea in ſo ſhort a time after. A manuſcript chronicle, of the age of Henry the Third, cited by Spelman in his Gloſſary, ſays that fifty of theſe were *triremes*, viz. galleys of three rows of oars; and that, among the other ſhips, thirteen diſtinguiſhed there by the name of *buſſes*, carried, each of them, three maſts. Upon the whole I preſume, that, the more numerous fleets, mentioned before in the

C. 35.

C. 12. V. Hoveden, pars II. f. 393.

V. Spelman's Gloſſ. Bussa.

the Engliſh hiſtory, conſiſted of veſſels much ſmaller than this of Richard.

There is a very remarkable law of King Athelſtan, which ſays, that any merchant, who has made three voyages, upon his own account, beyond the Britiſh channel, or narrow ſeas, ſhall be entitled to the privilege of a Thane. This was a great encouragement given to commerce, and ſuch, indeed, as it is very ſurpriſing to meet with in the hiſtory of ſo rude an age. Warlike nations, though infinitely more refined than the Engliſh were in thoſe days, are apt to conſider all trade as rather diſhonoring, than ennobling, thoſe who carry it on: it is therefore no ſmall indication of the good ſenſe of King Athelſtan and his *witena gemote*, or parliament, that they broke through this prejudice, and made nobility the reward of mercantile merit. It does not appear that the Norman kings adopted the ſame policy: but that under ſome of thoſe princes, whoſe reigns are treated of in this work, England continued to enjoy a flouriſhing commerce, may be well inferred from the great quantity of money and plate contained in the treaſury of William the Conqueror, of Henry the Firſt, and of Henry the Second, at the time of their death. It has already been ſaid, that, excluſive of the plate, the treaſure left by William the Conqueror, in his palace at Wincheſter, amounted to ſixty thouſand pounds weight of ſilver in coined money; and that left by his ſon Henry to a hundred thouſand. A contemporary writer likewiſe informs us, that, ſoon after the deceaſe of King Henry the Second, Richard the Firſt ordered an exact account to be taken, both in number and weight, of all his father's treaſures, and found them amount to above ninety thouſand pounds in ſilver and gold. Another ſays, that he cauſed all the treaſures of his father, in ſilver and gold, to be weighed, and found that it greatly exceeded the value of a hundred thouſand marks. It has been ſhewn, before, that, in thoſe days, one pound of ſilver contained about as

V. Appendix from Wilkin's Sax. Leg. Judicia Civitatis Lond. p. 71. See alſo Spelman's Concil. & Remains.

See vol. i. p. 56. & 165.

V. Benedict. Abbat. de vitâ Ric. I. ſub ann. 1182. t. ii. p. 553. edit. Hearne.

V. Hoveden Annal. pars H. f. 374.

See the Notes to the Hiſtory of the Revolutions of England at the end of the firſt volume on the value of money.

as much of that metal as three pounds do now, and that a mark was two thirds of the value of that pound. The wealth of the prelates and chief nobles of the realm was proportionably great; and they had alſo much plate and other rich ornaments, in their houſes and wardrobes: nor did the piety of the times omit to decorate, in a moſt ſumptuous manner, the cathedral churches, and thoſe belonging to ſeveral convents, with crucifixes, ſhrines, and veſſels of gold and ſilver. Theſe precious metals being rare at that time in Europe, ſo much of them could not poſſibly have come into a country, where the earth produced none, and which drew no ſupplies of them from the ſpoils or the tribute of any other nation, without a conſiderable balance of trade in its favour. Whether we had any exportation of woollen manufactures, during the times that I write of, I cannot abſolutely affirm. But it appears undeniably, by the annual payments which they made to the crown, that there were many gilds of weavers in different parts of the kingdom. For example, in the fifth year of Henry the Second, the weavers of London ſtood charged in the Exchequer rolls with four marks of gold, on the farm of their gild for two years. In other years of the ſame king they paid twelve pence per annum. And there are records of like payments from the weavers of Oxford, York, Nottingham, Huntington, Lincoln, and Wincheſter, in that and the following reign. On which I find this obſervation, in a treatiſe written by the learned Sir Matthew Hale, "*that, in the time of Henry the Second and Richard the Firſt this kingdom greatly flouriſhed in the art of manufacturing woollen cloth: but by the troubleſome wars in the time of King John and Henry the Third, and alſo of Edward the Firſt and Edward the Second, this manufacture was wholly loſt, and all our trade ran out in wool, woolfels, and leather, carried out in ſpecie.*" It is alſo obſerved by Mr. Madox, in his hiſtory of the Exchequer, that the cities of Worceſter, Gloceſter, Nottingham, Norwich, Bedford, and many other towns, paid fines to king John, *that they*

See Dugdale's Monaſticon, & Baronage.

Madox's Hiſt. of the Exchequer, c. 10. p. 231.

See Hale's Primitive Original of Mankind, p. 161.

Hiſt. of the Exchequer, c. 13. p. 354.

they might buy and ſell dyed cloth, as they were accuſtomed to do in the time of King Henry the Second. This ſhews that both the *cloathing* and *dying* trades had then flouriſhed, and had been free from ſome oppreſſions with which they were afterwards loaded. It is reaſonable to ſuppoſe, that the Flemiſh colony, of which much has been ſaid in this book, when they were diſperſed over England, at their firſt coming from Flanders, in the reign of William the Conqueror, not only exerciſed the art of weaving, which before their emigration they excelled in, but inſtructed the Engliſh, and improved their manufacture. One may alſo preſume, that when they were afterwards ſettled in South Wales, upon the ſea-coaſt, they addicted themſelves to foreign traffick, and carried it on with the woollen cloths which they continued to make. Indeed this may be naturally inferred from the words of Giraldus Cambrenſis, who, deſcribing them as they were in the time of Henry the Second, calls them *a people moſt verſed in woollen manufactures and merchandiſe, who, with any labour or danger, would ſeek for gain by ſea or land.* Perhaps it was to encourage theſe manufactures, that the exportation of *wool unwrought* was loaded with a duty of half a mark on each ſack.

Vide Itinerarium Cambriæ, l. i. c. 11. p. 848. de Haverford et Roſs.

There is preſerved to us, in a contemporary German hiſtorian, a letter from Henry the Second to the emperor Frederick Barbaroſſa, which he ſent, in the year eleven hundred and fifty ſeven, with magnificent preſents, in return to an embaſſy and preſents of at leaſt an equal value, which he had received from that prince, who deſired to make with him a league of friendſhip and alliance. The king expreſſes therein his grateful acceptance of thoſe overtures from the emperor, and, among other benefits which would ariſe from that league, particularly mentions *the ſafety and freedom of commecre betwixt their reſpective dominions.*

V. Radevicum Friſingenſem de rebus geſtis Fred, imperatoris, l. i. c. 7.

A northern trade ſeems to have been a favourite object of the royal attention and care of Alfred the Great: there being

inſerted

inſerted into the preface of a tranſlation of Oroſius, made by that monarch, an account delivered to him by two navigators, a Norwegian, and an Engliſhman, employed by his orders; wherein they deſcribe, very ſenſibly, the coaſts, the inhabitants, and the fiſheries of the North, as far as to the utmoſt bounds of Norway and Finland. It is one of the moſt curious and valuable remains of our Saxon antiquities. Doubtleſs Alfred made advantage of the diſcoveries he had taken ſuch pains to procure, by carrying on a very profitable trade with thoſe countries. But one may reaſonably preſume that the Engliſh commerce to the North was further encreaſed in the reign of Canute the Great, to whom Denmark and Norway were ſubject. In the twenty ſeventh year of King Henry the Second, a licence was given to export corn, from Norfolk and Suffolk, to Norway. And in the reign of King John a Daniſh merchant was allowed to have free traffick throughout the realm, on the eaſy condition of giving a hawk to that prince as often as he came into England.

See Madox's Hiſt. of the Exchequer, c. 13. p. 323. 324.

After the Normans had eſtabliſhed themſelves in this iſland, it's trade to France became naturally more extenſive than before; eſpecially when Henry the Second, who held ſo great and ſo commercial a part of that kingdom, had gained a quiet poſſeſſion of the throne of England. A principal branch of the imports, in the times of which I write, was foreign wines, which were chiefly brought from France. It appears by the rolls, that in the fourteenth year of King John duties were paid to that prince for wines of Anjou, Auxerre, and Gaſcony, beſides others there called by the general name of French. I alſo find, in that account, mention made of the wines of Saxony, which probably came into faſhion among the Engliſh in the reign of Henry the Second, after the duke of Saxony had married his daughter. But it muſt be obſerved, that the limits of that dutchy were then extended to the Rhine; and therefore theſe wines might be Rheniſh. William of Malmſbury tells us, "that the city of London, in his time,

Ibid. c. 18. p. 527.

De geſtis pontif. l. ii. f. 133. ſect. 30.

" was

"was illuſtrious and eminent for the wealth of its citizens; "crouded with merchants and factors from every land, but "chiefly from Germany; and a ſtorehouſe for the whole "nation, in caſe of a dearth of corn or other proviſions." The ſame author ſays, "that the port of Briſtol was full of "ſhips from Ireland, Norway, and every part of Europe; "which brought thither a great commerce, and much foreign "wealth." He likewiſe ſpeaks of Exeter as a place of great traffick, to which reſorted a great concourſe of merchants and foreigners, at the time when he wrote.

Ibidem, l. iv. f. 161. ſect. 50.

Sir H. Spelman, in his code of the ancient ſtatute laws of the kingdom of England, cites a paſſage from the chronicle of Battle-abbey, which ſays, that, by the ancient law or cuſtom of the Engliſh, when a ſhip was wrecked on the coaſt, if thoſe who eſcaped from it did not repair to it within a limited time, the ſhip, and all belonging to it, that was driven aſhore, became the right and property of the lord of the manor. But that King Henry the Firſt, abhorring this cuſtom, made a law, to be obſerved throughout all his dominions, that, if but one man had eſcaped alive out of the wreck, the ſhip and its whole cargo ſhould be given to him. Yet the chronicle adds, that this ſtatute remained in force only during the life of the king who enacted it; for, under his ſucceſſor, the nobles of the kingdom, paying no regard to it, reſtored the ancient cuſtom, to their own benefit; of which the writer gives an inſtance in a ſhipwreck that happened upon one of the eſtates of the abbey. It ſeems that Henry the Second revived the law of his grandfather, and enforced it with ſevere penalties againſt offenders. For William of Newbury ſays, that, *out of his excellent goodneſs*, at the very beginning of his reign, he corrected a barbarous cuſtom, which before had prevailed in his kingdom, with regard to wrecks on the coaſt; and, commanding the proper offices of humanity to be paid to all ſhipwrecked perſons, ordained grievous puniſhments againſt thoſe who ſhould dare to do them any injury, or take from them

any of their merchandiſe or effects. I am very ſorry to obſerve, that, notwithſtanding this law, made ſo many ages ago, and other ſtatutes enacted ſince, with a view to reſtrain this moſt inhuman barbarity, it ſtill remains a foul reproach and diſgrace to our nation.

By the ſtatute of the 27th of Henry the Second, which is called the *aſſiſe of arms*, and of which I ſhall ſpeak more particularly hereafter, the itinerant judges were commanded to publiſh, in their ſeveral circuits, an injunction forbidding, under the higheſt penalties to the buyer and ſeller, the ſelling to foreigners any Engliſh ſhip, or drawing away any ſeaman into foreign ſervice; from which it is evident, that the king, when that ſtatute was made, attended very carefully to the naval ſtrength of his kingdom.

Having thus ſhewn, as far as we have any authentic information, the ſtate of the Engliſh *marine* from the days of Alfred, to thoſe of Henry the Second, incluſively, I ſhall proceed to give likewiſe an account of the nature of the *land-forces* in England, during that courſe of time.

V. Concil. Eaſh. c. 22, 23. Concil. Brit. ſub ann. 1009. Spelman's Remains, Feuds, and Tenures, c. 8.

It was a fundamental law of the Anglo-Saxons, that all the lands of the kingdom, even thoſe which were held by eccleſiaſticks and women, were ſubject to three publick duties; the building or repairing of forts and caſtles; the building or repairing of bridges, and military ſervice for the defence of the realm, called, in the Latin tranſlation of the Saxon laws, *expeditio*.

We are told by Sir H. Spelman, "that the whole land was "divided, either by Alfred the Great, or ſome other precedent "king, into two hundred forty three thouſand ſix hundred "hides, or plough-lands: and, according to this diviſion, were "the military or other charges of the kingdom impoſed." A hide of land is defined, by H. of Huntington, and the annals of Waverley, to be as much as a ſingle plough could till in a year: but, according to others, it was as much as would be ſufficient to ſupport a gentleman's family for that time, and therefore

V. Huntind. ſub ann. 1008. Annal. Waverleien. ſub ann. 1083.

therefore could not conſiſt of any determined number of acres, but muſt have varied in proportion to the nature of the ſoil. One of the laws of King Athelſtan orders every plough, that is, every hide of land, to furniſh two horſemen: an immenſe army according to the computation above given of the number of hides in England! But if ſo many were at any time actually raiſed, (which I am apt to doubt of) it is certain that the conſtant militia of the Saxons did not amount to that number; and, except in the caſe of *beneficiary tenants*, the ſervice they owed appears to have been reſtrained to the defence of the realm.

Vid. Leges Athelſtani, Wilkins, c. 16.

After the Normans came in, a different kind of military policy was eſtabliſhed. The lands of England, (as Ordericus Vitalis informs us) were ſo diſtributed by William the Firſt, *that the kingdom had always ſixty thouſand knights ready to ſerve, at the command of the king, as occaſion ſhould require.* It muſt be obſerved, that, in this paſſage, and ſeveral others in the books and records of thoſe times, the word *knights* muſt be underſtood to ſignify perſons who held knight's-fees, not perſons who had obtained the order of knighthood, concerning whom I ſhall have occaſion to treat hereafter. Other ancient evidences make the knights-fees, during the times that I write of, *ſixty thouſand two hundred and fifteen*; of which number *twenty eight thouſand one hundred and fifteen, were poſſeſſed by the church.* A knight's-fee ſeems to have been uſually compoſed in thoſe days of two hides of land, or of two hides and a half. Sir H. Spelman ſays, that a meſne tenant, who had more than a ſingle knight's-fee, was called a *vavaſor*, which he thinks was a degree above knights; yet we generally find that name applied to any vaſſal, who held a military fief of a tenant in chief of the crown. Thoſe who held of a *vavaſor* were called *valvaſini*, and each of theſe might, in like manner, enfeoff another, to hold of him by knight's-ſervice; tho', I believe, that the inſtances of ſo many gradations in this ſpecies of

V. Ord. Vital. l. iv. p. 523.

V. Selden's Titles of honor, part II. c. 17. p. 720, 721, 722. Spelman's Gloſſ. FEUDUM, p. 218. See Spelman's treatiſe on Feuds and Tenures, c. 27. Madox's Hiſt. of the Exchequer, c. 15. p. 400, 401. See Spelman's Remains, Diſcourſe upon Parliaments, p. 58, 59.

tenure were not common in the days of King Henry the Second. But it was ſtill more unuſual for a fief to be held of the crown without any ſubinfeudation. In the *Red book of the Exchequer* there is a remarkable anſwer to a writ, which was ſent by Henry the Second to one of his tenants in chief, requiring him to certify, how many held under him by military tenures. The words are theſe: "Know, that I "hold of you *a very poor fee of one knight*; nor have I en- "feoffed any other therein, *becauſe it is hardly ſufficient for* "*me alone*; and my father held it in the ſame manner." Two other knights of the ſame county, who held in chief of the king, appear, by this record, to have had none who held of them by ſubinfeudation: but theſe inſtances were extraordinary; the far greater number of the military tenants in chief having many ſubvaſſals.

See Brady's Animadverſions upon Jan. Anglor. Fac. Nov. p. 187.

"*Barony*, ſays Mr. Madox, *was knight-ſervice embaronied*, "that is, knight-ſervice enlarged and erected into a barony, "or made a barony at it's firſt creation." Every nobleman was, therefore, by tenure a ſoldier: nor was his military duty limited only to ſervice *within the kingdom*; but he was obliged to ſerve *abroad*, at the command of the king, and not ſingly in his own perſon, but with ſuch a number of knights, as he was able to maintain, by the ſeveral fees, of which his barony was compoſed. The ſpiritual barons indeed, out of a proper regard to their ſacred character, were exempted from *perſonal ſervice*; but they were required to ſend knights, that is, military tenants, in proportion to the number of the fees they poſſeſſed, and even to foreign wars, when ſummoned by the king: whereas, by the Saxon conſtitution, their lands had been charged with no military ſervice, except that which was laid on all for the defence of the kingdom, and which we find to have been, generally, but ill performed on their part.

See the Appendix to the firſt volume. & Leg. Gul. I. c 8. Wilkins & Lambard.

By a law of William the Conqueror, all earls, barons, knights, ſquires, and *all the freemen of the kingdom* were ordered to keep themſelves well and properly furniſhed with

arms

arms and horſes, *for the performance of the duties their tenures required.* The *freemen* here-mentioned I underſtand to have been all who held their lands by any kind of military ſervice; but not to include the tenants by free ſoccage, or other free tenures which were not of a military nature; as that appellation certainly does in ſome other ancient laws. There is one of the ſame king, by which it was enjoined, "that *all* "*freemen* ſhould engage, by a ſolemn confederacy, or aſſo- "ciation, that *both within and without the realm of England,* "*which in ancient times was called the kingdom of Britain,* they "would be faithful to King William, their lord, and aſſiſt "him *every where,* with all fidelity, *to keep his territories and* "*dignities, and defend them againſt enemies and foreigners.*" This oath, which ſeems calculated to take in the defence of William's *foreign dominions,* was an extenſion of the ancient law or cuſtom of the nation, by which all the landholders were bound to the defence of *the kingdom,* and laid upon them a burthen, which no rules of good policy or legal ſubjection could juſtify, if we underſtand the term, *freemen,* to ſignify here any others than the military tenants. But, in the caſe of invaſions, *the common law of the land* continued undoubtedly to oblige, not only thoſe tenants, but all the other freeholders, to aſſiſt in repelling and driving out the invaders. During the government of the Saxons (if we may believe what is ſaid by the compiler of ſome laws aſcribed to Edward the Confeſſor) the militia of every county was commanded by an annual officer, called *heretoch,* who was choſen into that office, by all the freeholders, in the folkmote or county court. Sir H. Spelman ſuppoſes, that, after the Normans came in, this command devolved to the earl. And there is great reaſon to think, that the military power of every county was principally in the earl, during the times of which I write; though it was occaſionally exerciſed by the ſheriff or viſcount. But, whether even the Saxon *heretoch* was not ſubordinate to the earl, in his military functions, appears to me very doubtful.

See Appendix, vol. i. & Wilkins, & Lambard Leg. Gul. 52.

V. Leges Edwardi Confeſ. Wilkins, c. 35. de Heretochiis.

V. Gloſſar. COMES, p. 141.

The

V. Gloſſar. HERETOCH, p. 288, 289. & Holdes, p. 294.

The great antiquary above-cited is himſelf of opinion, that the rank of this officer was inferior, or, at moſt, equal to that of the ſheriff or viſcount. And our ancient hiſtory ſhews, that, where the king was not in perſon at the head of his army, the commander in chief, or general, was almoſt always an earl, as well during the Saxon government, as for more than a century after that period. But the Saxon earldoms were not *hereditary fiefs*, as they were made by the inſtitutions of William the Firſt. According to the ſyſtem then eſtabliſhed, it ſeems that, under the earl, or the viſcount, the barons, and the inferior military tenants of the king commanded reſpectively their ſeveral vaſſals; and theſe being alſo *hereditary chiefs*, the ariſtocratical power in the military policy of this kingdom was much encreaſed. As, by the Norman eſtabliſhment, every knight's-fee was required to furniſh a horſeman, the cavalry produced by theſe tenures, ſuppoſing it compleat, was above ſixty thouſand; and all theſe were armed from head to foot, in the manner before deſcribed. But it muſt be obſerved

See Spelman's Gloſſ. ſub ann. 1173. Ibidem, in Ric. I. p. 749. c. 44.

that there was then a ſpecies of ſoldiery called in the charters and hiſtories of thoſe times *ſervientes*. Some of theſe performed their duty on horſeback, and others on foot. It likewiſe appears by the rolls, that in the reign of King Edward the Firſt knight-ſervice was done by the knights themſelves who were ſummoned, or by two *ſervientes* in the place of a knight. Another record informs us, that, in the ſame reign, the biſhop of Hereford did his ſervice for five knight's fees, in the king's army of Wales, by two knights, and ſix eſquires *(armigeros)* for the other three fees. From whence it may be inferred, that *ſervientes* and eſquires were ſynonymous terms. Yet in ſome other records we find them diſtinguiſhed; as Mr. Seldon has ſhewn in his very learned treatiſe on titles of honor. Mr. Petit and Dr. Brady cite a record of the ſixth year of King John, wherein it is ordered, that nine knights through all England ſhould find a tenth, well provided with horſe and

V. Madox Baron. l. i. c. 5. p. 94.

V. Brady's anſwer to Petit, p. 123.

arms

arms for the defence of the kingdom, *and allow him two ſhillings a day for his wages.* Whereupon the Dr. obſerves, "that "two ſhillings a day was then equivalent to at leaſt thirty "ſhillings a day now, and therefore he that had this al- "lowance went forth in a good equipage, and maintained "without doubt ſeveral ſoldiers, *ſervientes*, or *eſquires*, with "it, &c." I likewiſe find in Fitz-Stephen, a contemporary hiſtorian, that in the war of Thouloufe the knights of Becket's houſhold, who were no fewer than ſeven hundred, received three ſhillings a day of the money of that country, to provide for their horſes and eſquires, *(ad equos et armigeros.)* Nevertheleſs, it is certain, that, in the ordinary courſe, the military tenants were to ſerve forty days, at their own charges; and if the ſervice continued longer, it was to be, afterwards, at the charge of the king. By the charter of Henry the Firſt the demeſne lands of all vaſſals who held by knight's ſervice were freed from all gelds and taxes; and the reaſon given for it is, *that, being eaſed of this burthen, they might be able and ready to ſerve the king, and defend his kingdom.* Sir H. Spelman takes notice, "that according to the old Norman "*Coutumier*, whoever poſſeſt a *fief de haubert*, which was a "knight's fee of the higheſt dignity, was bound to ſerve in "the *ban* or *arriere ban*, with compleat armour; that is (ſays "he) with a horſe, a coat of mail, a ſhield, a ſpear, a ſword, "and a helmet, for the ſpace of forty days, within the limits "of the kingdom; which by ſucceeding kings was extended "to three months within, and forty days out of the kingdom." In the ſecond year of King Richard the Second the commons ſaid, *that they ought not to bear foreign charges.* The king's anſwer was, "*that Gaſcony concerned the kingdom of England; for that it was a bulwark to the kingdom of England.*" I do not find that the parliament diſputed this point in the reign of Henry the Second; but (to ſay the truth) it was a queſtion more frequently determined by the humour of the times, than by any fixed rule of law or policy.

See Sir G. Crooke's Argument in the caſe of ſhip-money, State Trials, p. 621. Ibid. p. 639. Writ. 15. Johan.

V. Chart. H. I. in Append. V. Spelman's Gloſſ. FEUDUM, HAUBERTCIUM, p. 219.

See State Trials, vol. i. p. 538. Sir Edw. Lyttelton's Argument in the caſe of ſhip-money.

Knights-fees were often divided; ſo that many of the military tenants in chief had but a fourth part of ſuch fees; nay, it appears by a record, which I have cited before, that ſome ſuch tenants, in the reign of Henry the Firſt, had only an eighth part, and one, who was enfeoffed after the death of that king, had only a twentieth. Theſe ſmall tenancies, I preſume, aroſe from the deſire of holding in chief of the crown, though by ever ſo poor a fief, on account of the honor and ſuperior protection annexed to that tenure. A vaſſal who held by the moiety of a knight's fee was bound to ſerve but twenty days; and ſo in proportion. Several tenants were enfeoffed with one or more knights-fees, *and part of another*; which may have happened from the convenience of ſuch *part* being ſituated near to the lands, of which the entire fee or fees conſiſted.

Lib. Rub. Scaccarii. See alſo Brady's Animadverſions upon Jani Anglor. Fac. Nov. p. 185, 186.

See Lyttelton's Tenures, ſect. 112, c. 4.

Archers were drawn from the yeomanry, and ſeem to have ſerved on foot, as attendants on the vaſſals who held by knight-ſervice, and at their charge; or, ſometimes, under the pay and at the charge of the king. But though they were accounted the loweſt order of military men, they made, for many ages: a very conſiderable part of the ſtrength of the kingdom; moſt of the victories won againſt the French or the Scotch having been principally owing to their valour and ſkill.

See Froiſſard.

One ſpecies of knight-ſervice was *caſtle-guard*, differing from it in nothing, but that whoever held by that tenure performed his ſervice *within the realm*, and *without limitation to any certain term*. Mr. St. John ſays, in his argument on the caſe of ſhip-money, that the tenants by caſtle-guard were eleven thouſand. He likewiſe ſhews from ſome records, that the caſtle of Dover, as being the key of the kingdom, had near two hundred tenures by caſtle-guard, beſides ſeveral more for the keeping it in repair,; and that, in time of war, the king uſed to maintain in that fortreſs one thouſand foot, and one hundred horſe. Theſe ſoldiers, I preſume, were over and

See Lyttelton's Tenures, l. ii. ſect. 13. Coke's Inſtitutes, note to ſect. 3. See State Trials, vol. i. p. 498.

and above the two hundred who were bound by their tenures to defend it, and who, probably, performed their ſervice by a large number of ſubvaſſals. The counties of Cumberland, Weſtmorland, and Northumberland, on account of their neighbourhood to the Scotch, the perpetual enemies to the Engliſh, were full of tenures by caſtle-guard, and likewiſe by *cornage*, which tenure obliged the tenant to give notice of the enemy's coming into the country, by blowing a horn. Such was the general proviſion made by the feudal ſyſtem for the defence of fortified places. About the end of the eleventh, or the beginning of the twelfth century, a new kind of militia was eſtabliſhed in France, for the ſecurity of the principal cities. By the charters granted to them communities were erected, which had a power to levy forces; and a determined number of citizens was required to be enrolled in every pariſh, and to march under the banner of the church they belonged to, in caſe of any attack on the territory of the city, and for the repreſſing of ſeditions and outrages of all kinds, within the limits thereof. Theſe were to be called out, at the command of the biſhop, or of the chief citizens: but, in extraordinary exigences, when the ſtate was concerned, the king had a power to order all the inhabitants, who were capable of bearing arms, to march in his ſervice: on which account many privileges and franchiſes were accorded to ſuch corporations by the crown. It likewiſe appears, that ſome gentlemen, in the neighbourhood of theſe cities, incorporated themſelves with them, and made a part of their force. Father Daniel obſerves, that this eſtabliſhment paſt from the demeſne of the king of France into thoſe of his greateſt vaſſals, the dukes of Burgundy, *the dukes of Normandy*, and ſeveral others. I alſo find, that, before the reign of Stephen, it had been introduced from Normandy into England. For in a paſſage, of which I took ſome notice in the hiſtory of that reign, mention is made by William of Malmſbury of the *community* of London, and of ſome barons, *who had been admitted into it a good while before*,

V. P. Daniel Hiſt. de France ſous Louis VII. p. 243. 244. Hainault Abregé Chronologique, t. i. p. 139. t. ii. p. 751, 752. P. Dan. Hiſt. de la milice Françoiſe, l. iii. c. 3.

V. Malmſb. Hiſt. novor. l. ii. ſect. 10. f. 106.

that is, I preſume, in the reign of Henry the Firſt. Beſides reaſons of *police*, and a deſire of maintaining the publick tranquillity, this inſtitution had a view to make the town-forces a check on thoſe of the barons. It was a popular militia oppoſed to the ariſtocratical. But it does not appear, that, in England, the biſhops or lower clergy, had any power to order, or call it out.

Some account has already been given in this book of a pecuniary commutation for perſonal ſervice in foreign wars, called *ſcutage* or *eſcuage*, which appears to have been firſt introduced into England by King Henry the Second. At the beginning it was only allowed to the ſpiritual barons, and their military tenants, in a war with the Welſh. But, on the occaſion of Henry's expedition againſt Toulouſe, it was further extended to all the inferior tenants in chief, and to almoſt all the ſubvaſſals who held by knights-ſervice; becauſe the inconvenience of going ſo far from their country would have been to theſe very grievous. It was afterwards taken in like manner, not only for wars beyond the ſea, but againſt Wales or Scotland: neither was it denied to the greater vaſſals of the crown (as it had been at firſt) unleſs by their ſummons they were expreſly commanded to follow the king in perſon, or held ſome office by *grand-ſerjeanty*, which required their attendance. What this tenure was will hereafter be more fully explained. But, with regard to the liberty of commuting for the duty of perſonal ſervice by ſcutage, or eſcuage, it cannot be denied, that it was a great variation from the firſt intention and policy of military fiefs, and opened the way to greater in proceſs of time. It appears from the rolls, that, in the ninth year of Edward the Second, ſome who held by knight-ſervice, not originally of the crown, but of an honor or manor eſcheated to the king, claimed a right to be diſcharged from ſerving in perſon, *being only bound to pay ſcutage*; which plea was allowed. And Sir Robert Cotton, after relating a ſummons ſent by Richard the Second in the third year of his reign, which commanded that all thoſe who held by knight-

V. Trin. Brev. 9 Edw. II. Rot. 58. a. brev. 12 Edw. II. Rot. 76. Madox's Hiſt. of the Exchequer, p. 454. c. 16.

See Cotton's anſwer to the reaſons for foreign wars, p. 46, 47.

ſervice ſhould properly fit themſelves out with horſes and arms, in order to attend him in a war, concludes with theſe words: "But theſe the courſes of elder times were about this time much "altered, and the king, for the moſt part, was ſupplied in his "wars *by contract with the nobility and gentry, to ſerve him, "with ſo many men, and ſo long, and at ſuch a rate, as he and "they by indentures accorded.*" This alteration, which appears by the evidence of many records, produced *another kind of militia* in England, unknown to the times of which I write. Indeed the practice varied much in different ages; tho' it is plain, from our law-books, that the principle of knight-ſervice, due, by the nature of the feudal policy, from all the poſſeſſors of military tenures, remained much the ſame, from the reign of William the Firſt to that of Henry the Seventh; nay, even till Charles the Second aboliſhed thoſe tenures.

See Bracton, Fleta, & Lyttleton's Tenures.

In the latter part of this hiſtory I ſhall have occaſion to mention a new regulation, made by Henry the Second, for the better arming of the whole people, except only the ſlaves, who were accounted no part of the body politick, or civil community.

It cannot be denied that the tenures introduced by the Normans gave much ſtrength to the kingdom. Without the inconvenience, expence, and danger to liberty, attending a *ſtanding army*, forces ſufficient to guard every part of the country, and, when occaſion required, to ſerve the crown in foreign wars, were always kept up, on a legal footing, and neceſſarily connected with the civil conſtitution. All the gentry were ſoldiers paid and maintained by the lands they held; as they likewiſe paid and maintained thoſe freeholders of an inferior rank, who held knights-fees under them. Nor could this ſtrength ever fail, as that of a mercenary or ſtipendiary army muſt at ſome times, by the wealth of the ſtate being conſumed and exhauſted; but continued as fixed as the lands diſpoſed of in this manner, and ever ready to oppoſe either foreign invaſions or inteſtine rebellions. I may add too,

that it was equally fitted to reſiſt any tyranny in a king, being wholly compoſed of thoſe men, who, by their property in the realm and their rank in the ſtate, were moſt intereſted to guard the liberty of the ſubject againſt the crown. But then the great power, which the military tenures gave to the barons, often enabled ſome ambitious and turbulent ſpirits unneceſſarily to diſturb the peace of their country, to throw off all ſubjection and loyalty to the king, and even to become more inſupportable tyrants themſelves, within the bounds of their ſmall dominions, than the moſt abſolute princes in monarchical governments; with this difference only, that it was no eaſy matter for any of them to exerciſe their tyranny long, without being checked, and brought to juſtice, by the power of the crown, ſupported by that of other barons, their peers: whereas, in abſolute monarchies, the conſtitution affords no remedy againſt the deſpotiſm of the prince. On the other hand the force of *union*, in which conſiſts all the energy of monarchical ſtates, was wanting in this, or, at leaſt, was never found in it, but under the government of very able princes. Indeed the whole policy of the military tenures was much better adapted to the purpoſe for which they originally were formed, viz. to maintain conqueſts, made in countries not wholly ſubdued, or expoſed, by their ſituation, to continual wars, than to procure that *tranquillity*, which is the principal benefit derived to mankind from order and government, and without which no improvement of civil ſociety can be advanced or ſupported.

V. Spelm. on Feuds and Tenures, c. 5.

If we compare the conſtitution eſtabliſhed here by the Normans, with that of the Anglo-Saxons, the greateſt difference between them will be found to ariſe, from many eſtates, which were *alodial*, being made *feudal*, and from others, which approached the neareſt to fiefs, and were indeed of a feudal nature, but *not lands of inheritance*, being rendered *hereditary*, and, in conſequence of that change, ſubjected

jected to burthens, to which they had not been liable in their former condition. Spelman has proved undeniably from ſeveral charters, that the hereditary eſtates of the Saxon nobility and gentry, called by him *thaneland*, which he ſpeaks of as ſynonymous to *bocland*, or *charterland*, were alodial, and not ſubject to any feudal ſervice. But then he owns, that both the greater and leſſer Thanes might have, and, in fact, frequently had, other lands of a feudal nature, and holden by military ſervice, yet not like the Norman feuds, being granted only at will, or for a certain number of years, or, at moſt, for life or lives; in which they reſembled the lands of the vulgar, called *folkland*. And ſuch grants were called *benefices*, a term expreſſive of their nature, which by later uſage has been confined to clergymen's livings. Theſe *benefices* were made *hereditary fiefs* under William the Conqueror, and moſt of the *bocland* was converted into the ſame kind of tenure. If we conſider this change with regard to the poſſeſſors of *bocland* alone, it ſeems very clear, that, abſtractedly from the privileges annexed to the poſſeſſion of feudal lands, they were great loſers by it: for, whereas they had before an abſolute property in their eſtates, which they had even a power to diſpoſe of by will, they now held them of the king, or of ſome *meſne lord* under him, inalienable, and limited to their eldeſt ſons after them; beſides the obligation impoſed on them and their heirs, to ſubmit to certain methods of acknowledging their dependance on the lords of their fiefs, which were very uneaſy to them, as will be ſhewn more particularly hereafter. But, with regard to the poſſeſſors of *beneficiary eſtates*, the change was advantageous: for, however diſagreeable thoſe burthens incidental to their new tenure might be, the *perpetuity* of their fiefs, thus acquired and confirmed to them and their families, made them ample amends. When, therefore, the ſame perſons had eſtates of both kinds, the alteration made in the *bocland* was compenſated by the inheritance obtained in the *benefice*: and there is reaſon to believe that this

Ibidem, c. 9.

Ibidem, c. 5. p. 12. c. 10. p. 22.

Ibidem, c. 12.

Ibidem, c. 3. p. 7 & 9.

Ibidem, c. 5. & 23. See alſo Somner 84. poſt. lib. ii. c. 5.

was

was the caſe with many of the Engliſh. As for the Normans, or other foreigners who came over with them, they certainly thought it no grievance, to hold the lands, that were ſo liberally given to them in England, on the ſame terms as their eſtates were held by them in Normandy, or other parts of the continent, where *the ſtrict feudal policy* had before taken place. From the reign of Charles the Bald to that of Hugh Capet, the alodial lands, in all the provinces of the French monarchy, had been gradually changed into fiefs, and the benefices, or temporary fiefs, made perpetual. The laſt of theſe princes completed this important alteration, by an univerſal and legal eſtabliſhment of it, about the year nine hundred and eighty eight. Even the ſubvaſſals, or vavaſors, called in French *arriere-vaſſaux*, obtained the ſame perpetuity in their feudal eſtates, as thoſe who held of the crown. Nor was this conceſſion the mere effect of a weak and timid complaiſance in the crown to it's vaſſals, or in thoſe vaſſals to their's, as ſome writers have ſuppoſed; but aroſe at firſt from a deſire of encouraging thoſe, who held by military ſervice, to fight with more alacrity, and hazard their perſons more freely, than they would have done, if the conſequence of their dying in battle had been the loſs of their lands to their families. This gave a beginning to hereditary fiefs; and it was natural, that, when once ſuch grants had been made, they ſhould prevail more and more; other perſons, who thought that they had equal pretenſions, and of whom the ſame ſervices were required by their lords, demanding from them the ſame encouragement, eſpecially on the breaking out of any great war; and the ſame reaſons of intereſt induced the lords to comply with ſuch demands. Hugh Capet, who owed his crown to the favour of the nation, could not, with prudence, reſume any fiefs belonging to it, which the noble families had retained beyond the original term of their grants (as many had done in the times of his predeceſſors) nor refuſe to put other beneficiaries of the crown on an equal footing with theſe; nor deny to his vaſ-

See the capitularies of Charles the Bald. See alſo l'Oyſceau and Paſquier.

V. Crag. Jur. Feud. l. i. tit. 4 ſect. 6.

ſals

ſals the liberty of giving or confirming to thoſe, who held of *them*, as laſting a tenure in their lands, as they themſelves had thought it reaſonable to demand from the crown, in the eſtates they held *in chief*. *The mode of the times* (as often happens) made *the policy of the times*; and what at firſt was conſidered as *a favour*, grew into *a claim*.

From the perpetuity of fiefs, thus eſtabliſhed in France, and in many other nations, where the ſame motives operated both on the kings and the nobles, were naturally derived thoſe feudal rights, which produced in Europe a new ſyſtem of property and of law. It appeared very juſt, that ſome compenſation ſhould be given to the lord, for loſing the power, which he before had enjoyed, to diſpoſe of his lands, on the determination of the grant: and from hence aroſe the payments made, on the death of the vaſſal, by the heir, which in the law-term are called *reliefs*. The treatiſe aſcribed to Glanville, and which, I doubt not, was compoſed by the immediate directions of that great lawyer, who was chief juſticiary of England under Henry the Second, tells us, that the relief of a knight's fee was then fixed at a hundred ſhillings, and of lands held in ſoccage at a year's value, by the cuſtom of the kingdom; but that, with regard to baronies and to ſerjeanties, there was no determinate rule of law; thoſe who held by ſuch tenures ſatisfying the king, for the relief due to him from them, at his diſcretion.

V. Granville, l. ix. p. 71. c. 4.

The perpetuity given to fiefs produced alſo the right of *wardſhip*. For it was thought proper, that, if the heir to a barony or knight's fee was a minor, the lord ſhould have the cuſtody of the lands of his fief, with the profits thereof, during the time of the nonage, leſt they ſhould be endamaged; and alſo that he might take the neceſſary care, that the military ſervice, in conſideration of which the fief was originally beſtowed, ſhould be duly ſupplied. In the laſt of theſe points the intereſt of the ſtate was equally concerned with that of the lord. And, together with the cuſtody of the lands, that of the perſon

See Spelman's Gloſſ. WARDE. Crag. de Jure Feud. l. ii. tit. 20. ſect. 3. Forteſcue de Laudib. Leg. Ang. c. 44. Selden's notes on Forteſcue.

perſon of the minor was aſſigned to the lord, in order that he might carefully train him up in the knowledge and uſe of arms; which likewiſe was a matter of great publick concern. The feudal age of majority for a man who held by knights-ſervice was twenty one years; becauſe till then he was thought incapable of performing his duty. If the heir to ſuch lands was a female, her lord had the cuſtody of her perſon and lands, till ſhe was fourteen years old; at which time, it was ſuppoſed, ſhe might have a huſband, able to perform the ſervices due for the fief ſhe inherited.

See Lyttelton's Tenures, l. ii. c. 4.

But theſe feudal rights, however agreeable to the principles of that policy, were given up in the charter of King Henry the Firſt, by which, if a vaſſal died, and left a wife and children, the cuſtody both of the lands and children was aſſigned to the widow, or to the neareſt relation. This conceſſion, I preſume, was made by that monarch, chiefly to gratify his Engliſh ſubjects, who, not having been uſed to theſe cuſtoms of the ſtrict feudal policy, were more diſpleaſed with them than the Normans, who brought them into this kingdom. Nevertheleſs we are told by Glanville (for I will venture to call him the author of the above-mentioned treatiſe) that, in his time, the lord had the cuſtody both of the heir and the fief, but under an obligation not to alienate or waſte any part of the lands, and to give an honorable maintenance to the heir, in proportion to the greatneſs of his inheritance; and alſo to pay the debts of the deceaſed, in ſuch meaſure, as the value of the eſtate and the time of the cuſtody would admit. Nor did the barons, in their demands delivered to King John, deſire a reſtoration of the grant of Henry the Firſt in this inſtance; but admitted the right of the lord to the cuſtody of the minor's perſon and lands; which is alſo confirmed by *Magna Carta*, with only ſuch regulations, as were neceſſary to prevent an abuſe of the truſt, being nearly the ſame with thoſe that are mentioned by Glanville. In all probability, ſome ſtatute, now loſt, had been enacted in the reign of King Henry

See Charter of H. I. in the Appendix.

V. Glanville, l. ii. c. 9.

V. Articul. MagnæCartæ et Magnam Cartam, Blackeſton's Edition.

Henry the Second; to give this right to the lord, agreeably to the cuſtom and practice in Normandy, and, indeed, to the clear principles of the feudal policy itſelf.

According to Glanville, a female heir, though of full age, was to remain in the cuſtody of her lord, till her marriage, to which his concurrence and advice were requiſite; *becauſe* (ſays that author, *by the law and cuſtom of the realm, no woman who inherits land can be married, without being diſpoſed of by her lord, or having his conſent.* By *land* in this paſſage he means land that was held by military ſervice: for he had ſaid before, that the heirs of *tenants in ſoccage* ought to be in the cuſtody of *their neareſt relations.* What *ſoccage tenure* was will be hereafter explained.

V. Glanville, l. vii. c. 12.

Ibidem, c. 11.

It is ſaid in the charter of King Henry the Firſt, that, if any baron, or tenant in chief of the crown, was inclined to give his daughter, or *ſiſter*, or *niece*, or *kinſwoman*, in marriage, he was to ſpeak with the king about it, who promiſed *not to take any thing for his conſent*, and not to refuſe it, *unleſs the match propoſed was with one of his enemies.*

See the Charter in the Append.

It muſt be underſtood, that the *ſiſter*, *niece*, or *kinſwoman*, here mentioned, was the next heir to the fief; for otherwiſe it does not appear that, in virtue of any feudal right, the king could be entitled to interfere in her marriage: but in ſuch a caſe it was thought reaſonable that his conſent ſhould be aſked, not only in a minority, but even in the life-time of the father, or other near kinſman. And the ſame power that the king had over his tenants, they had legally over theirs. Glanville affirms, "that if any man, having only a daughter, or "daughters, to inherit his fief, marries her, or them, in his "life-time, without the conſent of his lord, he thereby for-"feits his fief for ever, *according to law and the cuſtom of the "kingdom*; ſo that he can recover no part of it, unleſs by the "clemency of his lord:" for which he gives this reaſon: "becauſe, as the huſband of any female heir is bound to do "homage to the lord of the fief for his holding, the good "will of the lord, and his conſent to that act, ought firſt to be

V. Craig. l. ii. tit. 21. ſect. 4.

V. Glanville, l. vii. c. 12.

"asked, leſt he ſhould be compelled to receive homage for his "fief from his enemy, or from any other improper or unqua-"lified perſon." This appears to extend equally to all kinds of fiefs for which homage was done, as to thoſe that were held by knight-ſervice. But it was more peculiarly neceſſary in the latter; *leſt* (as a great writer on feudal law has expreſſed it) *the fief, which was given for the defence and ſervice of the lord, ſhould be uſed to annoy him.* And the ſame reaſon was applicable to widows, if they married again. Indeed King Henry the Firſt declares in his charter, that he will give no widow in marriage againſt her own inclination: and the charters of King John and Henry the Third forbid the forcing of any widow to marry again; but oblige her to give ſecurity to the king, if ſhe holds of him; or to her lord, if ſhe holds of a ſubject, that ſhe will not marry a ſecond huſband without his conſent. Yet it was the ſenſe of the law, (as we learn from Glanville) that an heireſs, who had once been lawfully married, if ſhe became a widow, was not to return into the cuſtody of her lord; though if ſhe made a ſecond marriage, ſhe was under the ſame obligation as before, to aſk his conſent. In the charter of King Henry the Firſt it is ſaid, that if, upon the death of one of his barons or other tenant in chief, a daughter is left to inherit the eſtate, *in diſpoſing of her he will take the advice of his barons.* But it does not appear from Glanville, that *ſuch advice* was thought neceſſary in the time of Henry the Second: nor is any mention made of it in the articles delivered to King John by the barons, or in the great charter of that prince, or in thoſe of his ſon. It was indeed an obligation which could not be adhered to without extreme inconvenience; and I doubt not that it had been abrogated by ſome ſtatute, now loſt, before Glanville's book was written. It is remarkable, that, neither in that treatiſe, nor in the charter of King Henry the Firſt, is it ſaid, (as it is in the demands of the barons made to King John,) that in the marriage of heirs *the advice of their relations ought to be taken:* nor (as it ſtands in his charter) that, before the marriage ſhall be contracted, *notice is to be given of it to the*

V. Craig. l. ii. tit. 21. ſect. 4.

See the Charters of King John and Henry III. in Blackeſton's edition.

V. Glanville, l. vii. c. 12.

See the Articles in Blackeſtone.

kindred of the heir. But, on the other hand, we do not find in the charter of Henry the Firſt, nor is it mentioned by Glanville, that either the king or the barons claimed a right to interfere in the marriage of *heirs male*, even while under wardſhip. Indeed the reaſons, which are given by Glanville, for that feudal power, in the caſe of female heirs, do not hold in the caſe of males. Yet it was afterwards thought, that, in regard to the connection between them and their lords, which by writers on the feudal law is conſidered as ſuperior even to the neareſt relations of blood, the advice and the conſent of their lords in an affair ſo important as their marriage, ought to be aſked; and the rather, as from the influence of a wife over the mind of her huſband, it might naturally be preſumed that the intereſts of the lords was not a little concerned in the matches made by their vaſſals. It alſo appears from the great rolls, that even in the reign of Henry the Firſt fines were paid to the king by his male tenants in chief, for leave to marry; and by widows, to be at liberty not to marry for a certain time, or not to marry at all, againſt their liking. This was contrary to his charter; and the ſame evidences atteſt, that ſuch fines were paid by widows to Henry the Second, though he had confirmed that charter. Under what colour this was done I am not able to diſcover: but the right of widows not to be forced to marrry again was reaſſerted by all the charters of King John and Henry the Third.

V. Craig. de Jure Feud. l. ii. tit. 20. ſect. 3. & tit. 21. ſect. 2.

V. Madox's Hiſt. of the Exchequer, p. 322, 323. & Diſſert. Epiſtolar. de Magno Rot. Saccarii, in fine Hiſt.

The law was careful to forbid any diſparagement in the marriage either of male or female heirs, by which was underſtood, not only the marrying of them to perſons of much inferior birth and condition, or any way infamous; but alſo to any who were lame, or greatly deformed, or incapable of having children; or who had any bad infirmity of body or mind. Glanville likewiſe delivers it as a rule of law in his time, that if a vaſſal aſked his lord's permiſſion to marry his daughter, being an heireſs, to any perſon, the lord was bound, either to give it, or to ſhew a juſt cauſe for which he ought to refuſe it: otherwiſe ſhe was at liberty to marry herſelf, even

See Lyttleton's Tenures, l. ii. ſect. 106. and notes, and ſect. 109. See alſo Craig de Jure Feud. l. ii. tit. 21. c. 8, 9, 10.

V. Glanville, l. vii. c. 12.

againſt his will, by the advice of her father, and according to her own inclination. He tells us alſo, that it was a duty incumbent on the lord, to offer a proper match to a female ward in his cuſtody, as ſoon as ſhe was of an age to marry, and alſo to pay her a reaſonable portion. Theſe regulations, and the profit given, by a feudal cuſtom in theſe times, to the king and inferior lords, on the marriage of their vaſſals, conduced to promote propagation and the encreaſe of the people; for it is probable that few remained long unmarried: but great abuſes attended this part of the feudal ſyſtem, which indeed, in itſelf, was grievous; and one of the happieſt changes made in our conſtitution, by the wiſdom of later times, has been the delivering of ourſelves from ſo heavy a yoke, and the recovering of that independance, with regard to the diſpoſal of our perſons in marriage, which our Saxon anceſtors had enjoyed; and which, if exerciſed with a due reſpect to *parental authority*, is one of the moſt valuable branches of natural liberty.

V. Glanville, l. ix. c. 8.

Glanville takes notice of only three kinds of *aids*, which the feudal lord had a right to demand from his vaſſals. One was, to aſſiſt him in paying the relief he owed to the king, or any other lord of whom he held his eſtate; but this was to be done with moderation, according to the greatneſs of the fiefs and means of the vaſſals: another was, to contribute towards his expence in making his eldeſt ſon a knight; which ceremony was performed with great pomp in thoſe days: and a third was to help him in the charges of marrying his eldeſt daughter: but this was not to be paid a ſecond time. The firſt of theſe feudal dues is aboliſhed by king John's *Magna Carta*, as well as all other aids not granted by parliament, except the two laſt, and one not mentioned by Glanville, viz. an aid from the vaſſals to pay the ranſom of their lord, if he was made captive. This naturally aroſe from the principles of the feudal connection: but it appears from Bracton, that, in Henry the Third's time, the others, allowed by the charter of King John, were ſuppoſed to be paid by the vaſſals, rather as marks of good-will and affection to their lords, than as

See K. John's Charter in Blackeſton's Edition.

V. Bract. l. ii. c. 16. ſect. 8.

proper

proper concomitants of the ſervice they owed. Glanville, on the contrary, conſidered them as due by their tenures. But, both by that author, and in the charter, it is ſaid, that they ought to be taken in *reaſonable proportions*.

V. Glanville, l. ix. c. 8.

Glanville makes it a queſtion, whether the feudal lord could demand an aid of his tenants for the ſupport of his war? And reſolves it by ſaying, that he could not *diſtrain* for ſuch aid: but they might *give it, as a benevolence*, and out of affection to their lord: whereas he conſiders the aid *of relief*, as *a due*, for which the lord, in virtue of his fief, had a legal right to diſtrain.

L. ix. c. 8.

It muſt be here remarked, that reliefs were only paid by thoſe heirs, who were of full age, when they ſucceeded to their fiefs; not by thoſe who had been under the cuſtody of their lords. And the reaſon of this was, that the profits of the cuſtody were deemed a ſufficient recompenſe to the lords of thoſe fiefs for renewing them to the heirs of their tenants. Upon the death of a vaſſal, who held military fees under ſeveral lords, reliefs were due to them all from the heir; but the cuſtody of his perſon belonged to that lord, whoſe grant was prior to the others. Yet, if it happened that one fief was held of the king, and others of other lords, the cuſtody belonged to the king. And the ſame rule was obſerved with regard to the obligation of conſulting the lord in the marriage of the ward, not only (ſays a very able writer on feuds) becauſe the king could have no equal; (which is the reaſon aſſigned for it by Glanville) but becauſe he is *the moſt ancient lord of all fiefs*, the original grant and inveſtiture of every fief having been given by *him*. Notice is taken by Glanville, that, in his time, it was uſual for the king to commit to others the cuſtody both of the perſons and lands of his wards, either under an account to him for their wardſhips, or without account, in the nature of a *beneficiary grant*. And, undoubtedly, inferior lords did the ſame. It likewiſe appears by the great rolls, that the wardſhips of the crown were *ſold* by King Henry the Second: and

V. Glanville, l. ix. c. 4. V. Cart. John. & Hen. III. in Blackeſton's Edit. Art. 3.

V. Glanville, l. vii. c. 10.

V. Craig, l. ii. tit. 21. ſect. 5.

V. Glanville, l. vii. c. 10.

See Madox, c. 10. p. 221. Hiſt. of the Exchequer.

and mention is made of that practice, without any blame, in the charters of King John and Henry the Third.

See Spelman on Feuds and Tenures, c. 20.

Upon the deceaſe of a vaſſal the heir was obliged to do homage as ſoon as he conveniently could; it being neceſſary, in order to preſerve the memory of the tenure, that every new tenant ſhould, at his entry, recognize the intereſt of the lord in the lands, for fear that, the feud being hereditary, and new heirs continually ſucceeded to it, they might, by degrees, forget their duty, ſubſtract their ſervices, and in proceſs of time, deny the tenure itſelf. The lord, on his part, was bound to receive the homage owing to him, before he could be legally entitled, either to a relief, if the heir was of full age, or to the cuſtody of his perſon and land, if he was a minor; unleſs ſuch minor was of too tender an age to perform it, or the lord had a good reaſon to juſtify his refuſal or delay to accept it.

V. Glanville, l. iv. c. 4. 6.

Homage was done by the vaſſal on his knees, unarmed and bare headed, and holding both his hands between thoſe of his lord, who was ſitting: which ceremonies denoted (according to Bracton) on the part of the lord, protection, defence, and warranty; on the part of the tenant, reverence, and ſubjection. In a ſtatute of the 17th of Edward the Second there is ſet forth the form of words to be uſed by the vaſſal, when homage was done to a ſubject. He was to ſay, "I become your "man, from this day forward, of life, limb, and earthly ho- "nor; I will be true and faithful to you, and bear to you "faith for the lands I hold of you, ſaving my faith to our lord "the king and his heirs:" which agrees with the account given by Glanville of the form that was uſed in his time. After the vaſſal had ſaid this, he was to receive a kiſs from his lord, and then riſing up was to take *the oath of fealty* in the following words: "Hear this, my lord, that I will be "faithful and loyal to you, and will bear to you faith for the "tenements which I hold of you, and loyally will perform to "you the cuſtoms and ſervices which I owe to you, at the "terms aſſigned, ſo help me God and his ſaints." It was a maxim

V. Bracton, l. ii. c. 35.

V. Glanville, l. ix. c. 1.

V. Spelman's Gloſſ. HOMAGIUM. Ibid. FIDELITAS. Statut. 17 Edw. II.

maxim of law, *that homage draws with it fealty*, which likewiſe was incident to all kinds of tenure, except frankalmoigne. In the year eleven hundred and fifty two, the Emperor Frederick Barbaroſſa made a ſtatute, that in every oath of fealty taken to any of his ſubjects, there ſhould be a reſerve of the faith due to him and his ſucceſſors; which immediately was adopted by ſeveral other nations, where the feudal law was in uſe, with regard to their ſovereigns; and the omiſſion of that reſerve was puniſhed in England by a judicial determination under Edward the Firſt.

V. Radevic. l. vii. c. 2.

See Spelman's Gloſſ. FIDELITAS. Hale's Hiſt. of the pleas of the crown, c. 10. p. 67. Coke upon Lyttelt. p. 65.

Homage done to the king was called *liege homage*, and was accompanied with the oath of allegiance expreſſed in theſe words: "I become your liege man, of life, and limb, and of "earthly worſhip; and faith and troth I ſhall bear unto you, "to live and die againſt all manner of folk: ſo help me God." The ceremony was the ſame as in doing ordinary homage to a meſne lord. It has been noted in a former part of this work, that Anſelm, archbiſhop of Canterbury, refuſed to pay homage to King Henry the Firſt, becauſe ſome of the popes, and certain councils held under their influence, had forbidden eccleſiaſticks to make ſuch an acknowledgement of their dependance on princes. In one of the epiſtles of that prelate we find this expreſſion, *I will not become the man of any mortal, nor ſwear fealty to any:* which reſolution he was ſupported in by all the ſtrength of the papacy: but, after a long and hard conteſt, Pope Paſchal the Second allowed *the biſhops elect* to do homage, and take the oath of fealty, *before they were conſecratcd.* This was confirmed by the conſtitutions of Clarendon, of which a particular account will be given hereafter; and from the words of Glanville it appears, that about the end of Henry the Second's reign homage was accordingly done by *biſhops elect:* but he tells us, that, *after they were conſecrated*, they took the oath of fealty. This was a material difference from what had been ſettled by the conſtitutions of Clarendon; and it is ſurpriſing that we have no account of it in the hiſtory of

See Spelman's Gloſſ. HOMAGIUM. See alſo Fleta, l. iii. c. 16. ſect. 21. Hale's Hiſt. of the pleas of the crown, c. 10. p. 70.

V. Anſelm. Epiſt. ad Ernulf. priorem.

V. Glanville, l. ix. c. 1.

of the times. Nor is any notice taken in Glanville's treatiſe, that, by thoſe conſtitutions, in the oath of *the biſhop elect*, a clauſe *ſaving his order* was allowed to be inſerted; which ſurely was a reſerve of a very dangerous nature. It ſeems to have crept in, during the reign of King Stephen, when many other ſuch conceſſions were made to the church: for no trace of it appears under King Henry the Firſt. One cannot but wonder that a legal ſanction ſhould have been given to it at Clarendon by Henry the Second. In the courſe of the diſpute between that monarch and Becket we find the latter making uſe of it to juſtify his own conduct; and indeed there was no obligation, contracted by the oath, which might not be eluded and cancelled, according to the doctrines of Rome, by means of that clauſe. Whether it remained in the oath of fealty *taken after conſecration* Glanville does not inform us. Sir Thomas Littleton ſays, in his book of Tenures, "that if "an abbot, or a prior, or other man of religion, ſhall do "homage to his lord, he ſhall not ſay, *I become your man*, "&c. for that he has profeſſed himſelf to be only *the man of* "*God*; but he ſhall ſay thus, *I do homage unto you, and to* "*you I ſhall be true and faithful, and faith to you bear for the* "*tenements, which I hold of you, ſaving the faith which I owe* "*unto our lord the king*." This regards only homage to inferior lords, who were ſubjects: but the reaſon given by Lyttelton, which is the ſame with that on which Anſelm grounded his oppoſition, extends to liege homage. Yet I find no mention in Glanville of this alteration.

V. Ingulph. p. 79. Flor. Wigorn. & Sim. Dunelm. ſub ann. 1086. Chron. Saxon. ſub ann. 1085. H. Huntind. & Hoveden, ſub ann. 1086. V. Du Cange Diſſert. 13, 14. & Nouvel Abregé Chron. de l'Hiſtoire de France, ſub ann. 1269, 1270.

We are aſſured by contemporary writers of the greateſt authority, that, in the reign of William the Conqueror, liege homage was done, and fealty was ſworn to that king, not only by his own immediate tenants, but all the conſiderable ſubvaſſals: which is a remarkable thing; becauſe, in France and ſome other countries, it was underſtood that the feudal law forbid the ſubvaſſals to do homage or ſwear fealty, on account of their fiefs, to any but thoſe of whom they immediatly held them. The practice of England in this reſpect was more

more agreeable to good policy; and very proper to keep up in the minds of the inferior orders of freemen a ſenſe of the duty they owed to their ſovereign: for in thoſe days it often happened, that, as in their religion, ſo in their government, the *ſupreme power* was forgotten, and the vulgar worſhip was paid to the *middle powers* alone. It alſo appears from the words of William of Malmſbury, that *homage was done and fealty ſworn to the heir apparent of the crown*, in the reign of King Henry the Firſt, *by all the freemen of England and Normandy, of whatever order or rank they were, and to whatever lord they were vaſſals*. Yet it is not eaſy to conceive how this could be performed, unleſs we underſtand theſe words with ſome reſtrictions, as meaning only the moſt conſiderable perſons in all the orders of freemen.

V. Malmſb. de Hen. I. l. v. f. 93.

Glanville tells us, that women could take the oath of fealty, but could not do homage; and that, if they were married, their huſbands were to do homage for them. Theſe points of ceremony being important in the law of thoſe times, though they may appear unintereſting at preſent, I have thought it neceſſary to give this ſhort account of them, from the moſt authentick writers.

V. Glanville, l. ix. c. 1.

It may juſtly be ſaid, to the honor of the whole feudal ſyſtem, that all the duties of it were built on the nobleſt foundations, viz. *bounty*, and *gratitude*; *bounty* in the lord who beſtowed the fief, and *gratitude* in the vaſſal who held it by his grant. From theſe two principles aroſe all the connection between them; and they are the beſt principles in human nature. When eſtates in land were beſtowed as *gifts*, during pleaſure, or as *benefices*, during life, in the original and infant ſtate of this ſyſtem, nothing could be more ſimple than the obligations reſulting from ſuch grants: but when they were made *hereditary fiefs*, the laws and cuſtoms relating to them became more complex, though founded upon the ſame reaſons. As the *property* ſtill remained in thoſe who granted

theſe fiefs, and in *their heirs* after them, there could not be in the *vaſſals* any power to *alienate*, *mortgage*, or *ſell* them, or *to alter the courſe of hereditary ſucceſſion*, without leave of their lords. And the ſame reſtraints were reciprocally laid on the lords, becauſe *the uſe* and *profits* of the feudal eſtates *belonged to the vaſſals*. Yet Glanville ſays, that, in his time, every free-man, poſſeſſed of land, might give *a part of it* with his daughter, or any other woman, as a marriage portion; or to any perſon, as a reward for ſervices done him; or to a religious houſe or church, if the gift was made in his life time, and with the proper forms of livery and ſeizin, and *in a reaſonable proportion*. But if any ſuch donation was made on a death-bed, it was not valid without the conſent of the heir. Such conſent was alſo required to enable a man, who had ſeveral married ſons, to give away, even in his life-time, any part of the heritage to his youngeſt ſon: for which Glanville aſſigns this reaſon, that fathers commonly bear a greater affection to their youngeſt ſon than their eldeſt, which might cauſe them to diſinherit the eldeſt, if that partiality were not reſtrained. A man, who had no eſtate of inheritance, but only a purchaſe, might diſpoſe of the whole of that purchaſe to whom he pleaſed, by a gift made in his life-time, if he had no child; but if he had one, he could only diſpoſe of a part; nor could he bequeath it by will, tho' he had no child: *becauſe* (ſays Glanville) *God only can make an heir*. If a man had both land of inheritance and a purchaſe, he might, in his life-time, give away either a part or the whole of his purchaſe, without reſtraint, and a reaſonable part of the inheritance alſo, over and above the other donation.

V. Glanville, l. vii. c. 1.

L. vii. c. 1.

L. vii. c. 1.

Fiefs of all kinds reverted to the lords, if the tenants deceaſed without heirs; which determination or extinction of the original grant was called an *eſcheat*. In caſe there was any doubt whether the heir was of age, the lord had the cuſtody both of his perſon and fief, till that doubt was decided. And, by a parity of reaſon, if it was queſtioned, who had a right

L. vii. c. 17.

L. vii. c. 9.

right to inherit any fief, the lord retained it in his hands while the ſuit was depending, as *a temporary eſcheat*, according to Glanville. But if nobody appeared, to lay claim to it, as the next heir, then it remained *a perpetual eſcheat* to the lord, and he had an abſolute liberty to diſpoſe of it, *as of his own*. There was alſo another kind of eſcheat, which was not accidental, but penal. The fief returned to the lord, if the vaſſal refuſed to perform any of the duties required of him by law in virtue of his tenure, or would not acknowledge that tenure, or diſmembered the eſtate, or greatly impaired it, or committed any act of grievous injury or offence againſt his lord. The ſame forfeiture was incurred by a military tenant, who forſook his lord in a fight; and if, beſides his fief, he had any allodial land, it was forfeited to the king by the *common law* of England. In the caſe of high treaſon, the land, to whatever lord it belonged, was forfeited to the crown, both by the Saxon and Norman laws. Glanville likewiſe informs us, that a tenant in chief of the crown, convicted of felony, forfeited thereby to the king not only his land, but all his goods and chattels, in whatever hands they were found; nor could they be ever recovered by any heir. The ſame author ſays, that, if an outlaw, or convicted felon, held of any other lord than of the king, all his moveables were the king's; and the land remained for one year in the king's hands, but then reverted to the lord; yet, not without the ſubverſion of the houſes upon it, and rooting up of the trees. The reaſon of this was a ſuppoſition, that the lord, of whom the felon held, was in ſome degree culpable, for want of a proper care in the choice of his tenant; and whatever diſturbed the publick peace was an injury to the king. Nevertheleſs Glanville tells us, that if an outlaw or convicted felon, who held by meſne tenure, received the king's pardon, neither he nor his heirs could, in virtue of that pardon, recover the land, unleſs by the mercy and favour of his lord, to whom it is eſcheated; becauſe the king's mercy ought not to prejudice the right of another. He adds too,

V. Glanville, l. vii. c. 17.

V. Leg. Inæ. c. 52. Leg. Canut. c. 12, 13. Spelman on Feuds and Tenures, c. 23. V. Glanville, l. vii. c. 17.

L. vii. c. 17.

that, in general, if any ſubvaſſal did or ſaid any thing, for which he loſt his inheritance by judgement or law, it returned as an eſcheat to the lord of the fief. One cauſe of forfeiture, which he mentions, deſerves a particular notice. If a female heir, being a ward in cuſtody of her lord, was guilty of incontinence, her eſtate became, by that offence, an eſcheat to her lord. And, when a fief was divided between ſeveral ſiſters, if it was proved that any of them had violated their chaſtity, while they were under the cuſtody of their lord, the perſons ſo offending incurred by it a forfeiture of their part of the inheritance to the innocent ſiſter or ſiſters; but, if all had ſo offended, the whole eſcheated to the lord.

V. Glanville, l. vii. c. 12. 17.

This was a ſevere puniſhment for the frailty of a ſingle woman, and without example in other laws: but it undoubtedly aroſe, not ſo much from a rigorous ſenſe of the heinouſneſs of the fault, as from the notion of an advantage due to the lord from the marriage of his ward, which he probably might be deprived of by her being diſhonored. For Glanville declares, that this forfeiture did not extend to incontinent widows, if they had once been lawfully married; nor diſinherit the child of a married woman who broke her conjugal faith; becauſe a ſon born in wedlock is always preſumed a lawful heir. But there may have been another reaſon for the exempting of widows and wives from this penalty, viz. that, they not being under the cuſtody of their lords, their incontinence was no breach of the duty and reverence due from a vaſſal; any offence againſt which was, in the ſenſe of the feudal law, a moſt grievous crime; gratitude in the vaſſal for the obligation conferred on his anceſtor, and tranſmitted to him together with the fief, by the original grant thereof, being (as I have before obſerved) one main foundation on which that whole ſyſtem was erected. Yet we are told by a feudal lawyer of the greateſt authority, that the fief was not forfeited, in any caſe whatſoever, by the vaſſal's offence againſt his lord, if the lord had

V. Crag. de Jure Feud. l. iii. tit. 6. ſect. 12. 14.

given

given occaſion for it, by a prior offence, or if each had offended againſt the other at the ſame time; becauſe (ſays he) it would have been very unjuſt, that the lord's condition ſhould be mended in conſequence of a fault, which he himſelf had either cauſed, or ſhared in. And it was a general maxim of the feudal law, that a forfeiture of the property of the lord in the fief, and of all his dominion over his vaſſal, was as neceſſary an effect of any great breach or neglect of the duty which he owed to his vaſſal, as the forfeiture of the fief was of a ſimilar crime or neglect in the vaſſal. Indeed this principle, which is ſo conſonant to natural equity and natural liberty, was the corner ſtone of the whole policy ſettled in England by the Normans. So that our kings, conſidered as feudal lords of this kingdom, were bound no leſs to protect their vaſſals in all their juſt rights and privileges, than their vaſſals were to ſerve them; and a failure, on either ſide, in theſe reciprocal duties, deſtroyed the connexion, and diſſolved the obligations of the party offended. The inferior vaſſals, in all degrees of ſubinfeudation, were likewiſe, by virtue of the abovementioned maxim, entirely freed from the bond of their homage and fealty to their reſpective lords, if theſe did not acquit themſelves of what they owed to them, agreeably to the nature and conditions of their original compact. It is therefore very apparent, that the ſpirit of this ſyſtem was moſt abhorrent from tyranny, and that the plan of it, in all its ſeveral parts, was deſigned as much to reſiſt any oppreſſive exertion of power within, as any attacks from foreign enemies.

Another great benefit, ariſing from this plan, was *the uniting of power to property*, which is the ſureſt baſis upon which all liberty ſtands! And as *property* in England, by degrees, diffuſed itſelf wider, from the alterations that were made in thoſe parts of the feudal law which had confined it too much, *the power united to it* extended itſelf further, and produced that comprehenſive ſyſtem of freedom, which the whole nation enjoys under our preſent conſtitution.

Originally,

V. Conſtitutiones Feudorum, l. i. tit. 1. & 8. l. ii. tit. 11.

Originally all *proper feuds*, that is, all *of a military nature*, deſcended, in equal proportions, to all the ſons of a vaſſal, but never to daughters. This excluſion of females had been taken off in moſt countries, before the Normans came hither: but whether the equal diviſion of all military fiefs continued after that time, and when it abſolutely ceaſed, is not very clear. The impartibility of them is aſcribed, by many writers, to a conſtitution made by the emperor Frederick Barbaroſſa in the year eleven hundred and fifty two. But earldoms and baronies, which that ordinance chiefly relates to, had before been indiviſible, both in England and in France, except in the caſe of a baron leaving ſeveral daughters, and no ſon, at his death. I ſhould therefore ſuppoſe that the cuſtom of preſerving knights-fees undivided in the courſe of deſcent, which ſeemed neceſſary to enable the military tenant to perform his honorable ſervice with the requiſite dignity, began to prevail among the Engliſh ſome time before it was ſettled by law in the empire. And together with that was introduced *the right of primogeniture* in feudal ſucceſſions. For when, in order to preſerve the tenure entire, only one ſon could take it, the eldeſt was preferred, as ſooneſt able to perform the duties of the fee, and moſt naturally coming into the place of his father. Certain it is, that, when Glanville's treatiſe was written, it was the eſtabliſhed law of England, that, in a military fief, the eldeſt ſon ſhould ſucceed to the whole inheritance. Yet it appears from records, that men frequently held by parts of a knight's fee: but ſuch diviſions either aroſe from marriages with the daughters of a military tenant, who had no ſon and ſeveral daughters; or were made by enfeoffments, and not in virtue of the rule and courſe of ſucceſſion. Lands held *in free ſoccage* were equally divided among all the ſons, unleſs they were ſuch as had been impartible *by ancient cuſtom*; of which ſome went to the *eldeſt* ſon, and others to the *ſecond*.

V. Glanville, l. vii. c. 3.

C. 3. ut ſupra.

Glanville ſays, that, in all eſtates, of what nature ſoever, if an only daughter was left, ſhe inherited the whole land; but, if there were more, it was equally parted among them,

even in military fiefs; with this diſtinction alone, that the *capital meſſuage* always went to the eldeſt; which was likewiſe obſerved when a diviſion was made of ſoccage lands among ſeveral ſons. He remarks, that if any one of the brothers or ſiſters, who had been ſharers in an inheritance, died without iſſue, the portion of the deceaſed was again divided among the ſurvivors. Upon the diviſion of a fief among ſeveral daughters, the huſband of the eldeſt was to do homage for the whole, and the younger were to perform the ſervices due to their lord, by his or her hands. But the heirs of theſe, even as far as the third generation incluſively, were under an obligation of doing homage, and paying reliefs for the lands they held, to the heir of the eldeſt ſiſter. If a man had ſeveral wives, and daughters by all, and by the laſt an only ſon, that ſon would inherit the whole eſtate of his father: becauſe (ſays Glanville) it is a general rule of law, that no woman can ever ſhare with a man in any inheritance, unleſs, perhaps, by a ſpecial cuſtom, in particular towns, confirmed by long uſage. In the courſe of ſucceſſion the lineal deſcendants were preferred to collaterals. But Glanville ſpeaks of it as a point very doubtful in his time, whether, upon the death of a man leaving iſſue a younger ſon, and a grandſon by his elder ſon, the inheritance ought to go to the ſon or to the grandſon. And it is juſtly obſerved by a fine writer, in a learned treatiſe lately publiſhed on Britiſh Antiquities, that there is no queſtion in law which has afforded a greater field, not only for law ſuits, but for bloody and cruel wars. Glanville decides it thus, "That the grandſon by the elder ſon ſhould be preferred to the younger ſon, if the elder had not been *foriſfamiliated* by the grandfather; which term of law he explains to mean an aſſignment made by the grandfather, during his life-time, of part of his land to his eldeſt ſon, and ſeiſin thereof given to him, at his own requeſt and deſire; it being underſtood that ſuch aſſignment would bar any claim, in the heirs of the perſon who took it, to the reſt of the inheritance. But if a vaſſal's eldeſt

V. Glanville, l. vii. c. 3.

See Eſſays upon ſeveral ſubjects concerning Britiſh. Antiq. p. 138.

V. Glanville, l. vii. c. 3.

eldeſt ſon had done homage to his lord, of whom the eſtate was immediately held, for his paternal inheritance, it was clear, according to Glanville, that, in caſe he died before his father, a ſon left by him would ſucceed to the eſtate in preference to an uncle. Nevertheleſs, there is among the records in the Exchequer a remarkable inſtance of a preference given to a ſon by a ſecond wife before a ſon by a firſt wife, in the ſucceſſion to a barony, by King Henry the Second; *becauſe he thought the younger brother a better ſoldier than the elder.* This ſeems to contradict what is affirmed by Glanville, concerning the right of the eldeſt ſon to ſucceed to the whole in military fiefs, and to have been a remainder of the ancient feudal law, which, on the death of a vaſſal leaving ſeveral ſons, gave a power to the lord of the fief to confer it on any one of thoſe ſons, according to his own pleaſure. But it may be preſumed that ſuch inſtances rarely occurred, and that the right of primogeniture in military fiefs ſoon became univerſal, as we find that by degrees it grew to prevail even in lands held by ſoccage tenures. Glanville ſays, that no baſtard could lawfully inherit: but the baſtardy was to be proved in the ſpiritual court. He alſo informs us, that a queſtion aroſe in his time, whether a ſon, begotten, or born, before marriage, could, by the ſubſequent marriage of his parents, acquire a right to inherit; and he declares, that, although by the canons of the church and Roman laws, ſuch a ſon would be eſteemed a legitimate heir, *he could in no wiſe be maintained in the inheritance by the law and cuſtom of England:* but in caſe of a diſpute concerning the fact, it was to be ſent, by the king's writ, to the ſpiritual court, and tried before the eccleſiaſtical judge, who was to acquaint the king or his juſticiary with the judgement thereupon, according to which the inheritance was to be either adjudged or denied to the ſon, by the judgement of the king's court.

This deciſion of Glanville is very remarkable; as it ſhews the entire independance of the law of England on the canon and

V. Glanville, l. vii. c. 3,

V. Mag. Rot. 10. Joan. Reg. Rot. 11. 6. Dorſet & Somerſet. See alſo enquiry into the manner of creating Peers, p. 5.

V. Lib. Feudor. I. tit. 1.

V. Glanville, l. vii. c. 13, 14, 15.

and civil laws in his time. The ſame author ſays, that a widow was entitled to a third part of the land for her dower, in every freehold poſſeſſed by her huſband at the time of their marriage, unleſs he had aſſigned to her a leſſer portion of it, at the door of the church, when they were going to be married. But if he had given a greater, it was to be reduced to that, by the ſheriff of the county, upon the king's writ, which the heir was entitled to demand. In dividing the land *the capital meſſuage* was always excepted, and kept entire to the heir; as was likewiſe the *head manor*, in caſe the freehold contained more manors than one. It will not be neceſſary to enumerate here all the other caſes and points of law relating to dower, which are mentioned by Glanville: but there is one which ſeems to merit a particular notice. He tells us, "that in conſequence of a divorce on account of too near a relation between the parties, though the wife loſt her claim of dower, yet, by the law of the realm, her children could inherit, and ſucceed to their father by hereditary right." As ſuch a ſeparation ſuppoſed a nullity in the marriage, the children muſt, in ſtrictneſs, have been baſtardiſed by it: but as the canonical prohibitions extended ſo far, that divorces on this account very frequently happened, after a cohabitation of many years in a ſtate of wedlock ſuppoſed lawful, there was much humanity and equity in this law.

V. Glanville, l. vi. c. 1. & ſequent.

The rules of ſucceſſion in earldoms and baronies were the ſame, during theſe times, as in other eſtates held by military ſervice. The lands annexed to thoſe dignities could not be divided, except when it happened that an earl, or baron, at his death, left no iſſue male, and more than one daughter: but by ſuch partitions it came to paſs, in proceſs of time, that ſome baronies were ſplit into very ſmall parts. Thus we find by a record, that in the eighteenth year of King Richard the Second, Walter de Rameſey, knight, acknowledged before the barons of the Exchequer, that he held certain lands of the king in chief by the ſervice of *the hundredth part of a barony*, viz. the barony of Byſet, which, in the reign of

See Madox's Baron. c. 3.

Edward the Firſt, had been divided among three daughters, and then ſubdivided into other ſmaller portions. But in the times from the acceſſion of William the Firſt, to the death of Henry the Second, I find none divided into more than *three parts*.

V. Madox, ibidem.

In all theſe partitions the relief of the tenant was proportioned to the quantity held. It appears, that in the reign of Henry the Second ſome lands were taken out of the barony, or *honor*, of Wallingford, and granted to Geoffry, one of the king's natural ſons, by writ of Ranulf de Glanville, juſticiary of the realm. And in the ſame reign, Earl John granted a manor belonging to the *honor* of Gloceſter to John la Warre, which he and his heirs were to hold of that prince and his heirs, by the ſervice *of half a knight*.

V. Madox, ibidem.

Theſe were the principal alterations, introduced by the Normans, into the laws of property in this kingdom, till after the death of Henry the Second.

It ſeems a wonderful thing, that any freeholders poſſeſſed of alodial eſtates ſhould ever have been willing to convert them into fiefs, ſubject to the ſervices, burthens, and entails abovementioned! Yet it is certain that, in fact, ſuch alterations were deſired. The reaſons given for it are theſe. The poſſeſſors of fiefs had ſeveral privileges, which other freemen had not: a higher value was ſet on their perſons; the compoſitions for injuries done to them were greater; which was an important diſtinction, when moſt offences were puniſhed by pecuniary fines, according to rates aſcertained and fixed by law: and, what ſeems to have weighed more than any other reaſons, they who held by knight-ſervice were exempted from *tallage* and many other impoſitions, which fell heavy on the poſſeſſors of alodial eſtates. I may add, that the near connexion contracted with the king by feudal tenures in chief, a connexion exceeding that of common allegiance, muſt naturally have been deemed a great advantage; and particularly, as the being inveſted with a military fief implied an honorable opinion of the ſovereign of the valour of the

V. Monteſquieu de l'Eſprit des Loix, l. xxxi. c. 7.

the feudatory. Nor was the ſervice required, in return for ſuch a fief, then accounted ſo burthenſome, as at preſent it may ſeem; the martial ſpirit, which prevailed among all ranks of men, but more eſpecially among the gentry, recommending to them an engagement, which gave them occaſions of encreaſing their reputations and fortunes. The ſame reaſons, in a lower degree, induced the inferior freeholders to connect themſelves with thoſe of a higher dignity and condition, by the mutual bond of a feudal tenure. Laſtly, the faſhion of the times did, in this inſtance, as in others, incline the minds of men rather to look at the benefits, than to conſider the inconveniences attending that ſtate, which reſulted from ſuch contraſts. But it muſt be obſerved that, in England, the ancient cuſtoms of the nation made more reſiſtance to this ſyſtem, than appears to have been oppoſed to it in other parts of Europe, or even in Scotland; and the continued attachment to thoſe cuſtoms had the effect of correcting and mitigating the rigour of the feudal laws in this kingdom, ſo as always to temper, and at laſt to aboliſh, whatever in them was oppreſſive, or contrary to good government and general freedom.

Baronies were originally created by feoffment. Mr. Madox ſays truly, "that no man, or number of men, without "the king, could ever make an earl, or baron. Every ho- "nor originally paſſed from the king, and upon every change, "by death or otherwiſe, returned to the king again, and re- "mained in his hand, until he commanded ſeiſin of it to be "delivered to his homager, according to the cuſtom of noble "fiefs." Yet it muſt be underſtood, that the honor, or barony, ſo created by the crown, or ſo delivered back again out of the hands of the king, was annexed to certain lands, which were compoſed of knights-fees, and held of the crown by knights-ſervice. For, till long after theſe times, all baronies were *territorial*, and poſſeſſed by *tenure* alone; not by *writ*, or by *patent*.

V. Baronia. l. i. c. 1. p. 23, 24. l. iii. c. 5. p. 241.

See the Conſtitutions of Clarendon.

Beſides the military ſervice, which every baron was obliged to, in virtue of his fief, he was alſo bound to attend the king in his parliament and ſupreme court of juſtice, to aſſiſt in his judgements, and give him faithful counſel, in all matters concerning the dignity of his crown and the good of his realm. But, although this was one of the feudal duties annexed to baronial lands in this kingdom, by the introduction of thoſe tenures which were derived to us from Normandy, yet the attendance of the nobility in parliamentary meetings had an origin much more ancient than the Norman government here, being as old as the Engliſh monarchy, and the birthright of the chief men of the Anglo-Saxon nation, even from the firſt ſettlements they made in Great-Britain; as it had been in the countries from whence they came.

See Dugdale's Baron. f. 107.

It appears that baronies differed greatly in the number of knights-fees, whereof they conſiſted. One of the ſmalleſt of which I find any record, is that of Hwayton in Northumberland, which Richard de Cramavil held of King John by the ſervice of three knights. The ſame man held another, which had belonging to it no leſs than ſixty knights-fees, viz. the honor of Tickill. As, therefore, it was not the poſſeſſion of many knights-fees which conſtituted a baron, ſo neither was it the holding in chief of the king. For Mr. Madox, in his hiſtory of the Exchequer, gives us the plea of Thomas de Furnival; who, being ammerced as a baron, ſaid *he was no baron*, though he acknowledged that he held the manor of Sheffield in chief of the king. It likewiſe appears that in the thirteenth year of Henry the Third John de Baliol was charged with a hundred and fifty pounds, as the relief for thirty knights-fees held by his father of the king, viz. five pounds for each fee: whereas, if he had held thoſe fees as a barony, he would have paid for the whole, collectively, but one hundred pounds. Nevertheleſs he had a barony, viz. that of Biwel in Northumberland, which he held by the ſervice of five knights-fees, and of finding thirty ſoldiers for the guard

See Madox's Hiſt. of the Exchequer, c. 14. p. 370.

Ibidem, c. 10. p. 218.

See the Charters of Henry III.

Madox's Hiſt. of the Exchequer, ut ſupra.

of

of Newcaſtle. He alſo held the lordſhip of Hiche *as an augmentation of his barony*, by the gift of King Henry the Second to his grandfather, and by the ſervice of two knights-fees. In the reign of King John ſeveral manors were held of the crown, by the ſervice of one knight's-fee for each. Sir William Dugdale mentions three ſo held by one man. But moſt baronies, if not all, conſiſted, in the times of Henry the Second and his four predeceſſors, of more than one manor.

See Dugdale's Baronage, p. 107. Clavering.

Every earl had a barony annexed to his earldom, and, as the relief of an earl appears to have been the ſame with that of a baron, viz. one hundred pounds, it may be ſuppoſed that he paid it on account of his barony, which was a land-eſtate, and not of his earldom, which was an office. This was a high fine for the ſmaller baronies, being equivalent to at leaſt fifteen hundred pounds in theſe days. It ſeems ſurpriſing, that, as baronies differed ſo much in the number of knights-fees whereof they conſiſted, the charters of king John and Henry the Third ſhould eſtabliſh no difference in the reliefs they were charged with: but from hence it ſeems probable, that even the leaſt were of ſuch value, as to be able to bear that charge, without any grievous hardſhip on the poſſeſſors. And, perhaps, the conſideration of this inequality may have been one of the reaſons, which induced the legiſlature, under Henry the Second, to leave theſe payments diſcretionary and under no certain rule; to the intent that the crown might make the proper difference, in eaſe of the poorer barons: which did well, while the diſcretion was favourably uſed: but it was afterwards found more prudent to limit the ſum to one hundred pounds.

V. Spelman's Gloſſ. Honor.

If two or more baronies happened to be veſted in the ſame man, they did not conſolidate in his perſon, but he held them diſtinct, and was chargeable with a ſeparate relief for each barony; as appears by the rolls in the caſe of the earl of Glouceſter, who in the ſecond year of King Henry the

See Hiſt. of the Exchequer, c. 10. p. 217. 220.

the Third paid a hundred pounds relief for the honor of Gloceſter, a hundred pounds for the honor of Clare, a hundred pounds for the honor of St. Hilary, and fifty pounds for the moiety of earl Giffard's honor.

V. Ordericus Vital. p. 523.

The grants made by William the Conqueror to ſome of his barons, but more eſpecially to his earls, were exceſſively great. For inſtance, to Geoffry biſhop of Conſtance he gave two hundred and eighty manors in England; to Ranulf de Baynard eighty five, and to Roger de Buſli a hundred and forty nine. Odo biſhop of Bayeux, whom he made earl of Kent, had in that county, and in ſeveral others, four hundred and thirty nine lordſhips. Robert earl of Mortagne, on whom he beſtowed the earldom of Cornwall, had, in that and other counties, ſeven hundred and thirty three manors. The honor of Richmond in Yorkſhire had a hundred and ſixty ſix lordſhips; beſides which the earl poſſeſſed, by the gift of the king, his father-in-law, two hundred and ſeventy ſix, in other parts of the kingdom. The honor of the earl of Clare compriſed a hundred and thirty one fees *of the old feoffment*, that is, of which the earl's anceſtors had been enfeoffed before the death of King Henry the Firſt: and to theſe were added nine fees, and the fourth part of a fee, *of the new feoffment*.

See Domeſday Book in the ſeveral Counties, and Brady's Hiſt. W. I. p. 198, 199, 200.

V. Madox's Baron, c. 5. Hiſt. of the Exchequer, p. 398.

V.Ord. Vital. l. xi. p. 804.

Ordericus Vitalis ſays, in his hiſtory, that William of Warren complained to Robert duke of Normandy, the eldeſt ſon of the Conqueror, that he had ſuffered a great loſs for his ſake, by loſing the earldom of Surrey, which produced to him annually *a thouſand pounds of ſilver*. The greateſt part of this income muſt have been drawn from the barony annexed to the earldom; though the third part of the profits ariſing to the crown from the pleas of the county court, were given to the earl. For it appears by the rolls, that in the ſixth year of the reign of King Henry the Second, the *third penny* of Eſſex was but forty pounds ten ſhillings and ten pence; of Hertford thirty three pounds one ſhilling and eight pence, and in the ſixteenth year of that reign, the earl of Norfolk received,

See Madox's Baronia, l. 2. c. 1. p. 139. Magn. Rot. 6 H. II.

Ibidem, Mag. Rot. 16 H. II.

on account of this perquiſite, but ſixteen pounds thirteen ſhillings and four pence, for a half yearly payment. It varied indeed a little in different years, unleſs where the revenue of the county was farmed at a certain ſum by the ſheriff. But there ſeems ſomething extraordinary in the value that was ſet by William of Warren upon his earldom of Surrey: for by the accounts in the Exchequer we find, that much leſs was taken by King Henry the Second for the farms of other earldoms eſcheated to the crown. It muſt indeed be ſuppoſed, that the farmers had good bargains, and did not uſually pay ſo much to the king in their rent, as the earl received from the earldom; becauſe ſome profit was allowed them in return for their trouble. But if we value the Engliſh earldoms, one with another, at only half of what we are told the earldom of Surrey produced, that moiety, being equivalent, on the loweſt computation, to an income of ſeven thouſand five hundred pounds in theſe days, was in itſelf no mean proviſion for ſupporting even the higheſt degree of nobility: and we then had no higher. Yet this was not all the wealth of the Engliſh earls in that age. Moſt, if not all of them, had, excluſive of their earldoms, and of the baronies annexed to them, many more baronies, manors, and lordſhips, in other parts of the kingdom. Among the Saxons it was uſual for many earldoms to be conferred on the ſame perſon.

See Madox's Baronia, l. i. p. 72. Magn. Rot. H. II. Rot. 5a. 6.

In the reign of Edward the Confeſſor, we find that Godwin was earl of Kent, of Suſſex, and of all the Weſt-Saxon counties. His eldeſt ſon, Swain, was, at the ſame time, earl of Oxfordſhire, Gloceſterſhire, Herefordſhire, Somerſetſhire, and Berkſhire; and his ſecond ſon, Harold, of Eſſex, Huntingtonſhire, Cambridgeſhire, Norfolk, and Suffolk. All this power in one family muſt neceſſarily break the balance of the ſtate, and eſtabliſh in it a kind of oligarchy, as it appears that it did, during the greateſt part of that reign. But the Saxon earldoms were not hereditary; for, although they were ſometimes

V. Flor. Wig. ſub ann. 1051 Spelman's Gloſſ. Dux, p. 190.

times permitted to deſcend from father to ſon, it was not by any right, or claim of inheritance, but only by the indulgence and favour of the king. In the reign of William the Conqueror, all the earldoms of England, as well as the baronies, being rendered hereditary, and deſcending even to minors, the earls became more independent of the crown; and a more complete ariſtocracy was thereby eſtabliſhed: but, happily, by their number, they were a check on each other; for it rarely chanced that either by marriage, or the courſe of deſcent, more than two earldoms were united in the ſame perſon; and the power of the greater barons was little inferior to that of the earls. Mr. Selden, in his learned treatiſe on Titles of Honor, has laboured much to prove, that earls were not, in the Norman policy, as they appear to have been during the Saxon, *governors of the counties under the king*. But, though ſeveral parts of the buſineſs of the crown, and more particularly, all that concerned the revenue, were adminiſtered by the ſheriffs, yet it ſeems clear enough, that the earls were the chief officers under the crown in the two higheſt truſts, viz. *the judicature of the county*, and *the command of the military force thereof*, after the Normans came in, as well as before. Indeed, there is reaſon to think, that in proceſs of time, and, perhaps, as early as the reign of King Henry the Second, they grew neglectful of their duty in their ſeveral county courts: ſo that generally the ſheriffs preſided there in their ſtead, though *not deputies under them*, but *officers of the crown*. Yet they continued long afterwards to receive the third penny out of the pleas in thoſe courts, or a certain ſum in lieu thereof, which Sir H. Spelman conſiders as *the ſalary of their office*. And of their right to command the military force, belonging to their counties, no light proof may be drawn from the appellations of *dux* and *conſul* given to them, in the Latin hiſtories of thoſe times. The form of girding them with a ſword, when they were inveſted with their earldoms, was likewiſe ſtrongly expreſſive of a military commiſſion appertaining to the

Par. ii. c. 5. ſect. 12.

V. Gloſſ. Comes, p. 141.

See Titles of Honor, par. ii. c. 5. ſect. 13.

the office and dignity of an earl. But it muſt be remarked, that the command of *the provincial militia* was different from that, which the Norman earls were entitled to, over their own immediate vaſſals; the latter being feudal and territorial; whereas the former was derived from the ancient right of their offices, and ſeems to have been of the nature of *a lieutenancy in the counties under the crown.*

The number of earls was determined by the number of counties over which they preſided: ſo that the king could not regularly create any more: but there might be fewer from the ſame perſon having two or more earldoms. During the confuſion of the civil war in the reign of King Stephen, that prince created ſome *honorary* or *titular earls*, who had no counties, and whoſe dignity he maintained, in an extraordinary manner, by grants of crown-lands. This he did to oblige ſome of the barons of his party, whoſe ambition he could find no other means to gratify: but, though, for ſome ages paſt, the cuſtom of the kingdom has admitted ſuch a prerogative to be unqueſtionably in the crown, it was then thought irregular; and therefore Henry the Second, in the firſt year of his reign, deprived thoſe earls of their titles, and reſumed the grants of crown-lands given to ſupport their new honors.

V. Malmſb. Hiſt. nov. l. i. ſub ann. 1138. et Chron. Norm. ſub ann. 1154.

It ſometimes happened that alliances contracted by matches between the families of great earls did ſo extend and augment their power in the kingdom, as to render it dangerous to the ſtate. But, on the other hand, the animoſities and family quarrels, which often inflamed theſe petty princes againſt each other, divided and weakened their power; and were, perhaps, as advantageous to the liberty of the nation as hurtful to it's peace. There never yet was any government ſo perfectly good, as not to have ſome inherent, conſtitutional evils; nor any ſo bad, but that the evils ariſing from it would in ſome meaſure correct and reſtrain one another. This appeared in the plan of policy ſettled here by the Normans. As the vigour and ſpirit infuſed into it did often, by the irregularity

irregularity of it's working, and the continual ferment which it raiſed, produce a feveriſh heat, ſo we find that ſome diſtempers, which would have been otherwiſe fatal to it, were thrown off by this heat. And ſome exceſſes of the royal prerogative, which have ſince been wiſely controuled, operated as remedies in that ſyſtem againſt the immoderate authority of the nobles; while both theſe powers were checked by the arms entruſted to great numbers of the inferior freeholders, in conſequence of the tenures, by which they held their eſtates. But the regular force of a government more equally tempered, and orderly applications to parliament for the redreſs of any grievances, which might otherwiſe be too ſtrong for the ordinary courts of juſtice, are much better ſecurities, under our preſent conſtitution, to the liberty of the ſubject, the dignity of the nobles, and the majeſty of the crown, than the frequent colliſion and ſtruggle of thoſe jarring powers, which, though they prevented the eſtabliſhment of any *fixed tyranny*, diſturbed the quiet, and diſcompoſed the harmony of the ſtate.

See Titles of Honor, P. ii. c. 5. ſect. 8.

Among the Engliſh earls ſome were inveſted by the crown with higher powers than the reſt, poſſeſſing in their earldoms a regal juriſdiction, ſo that the king's writ of ordinary juſtice did not run there. The Saxons in England had ſuch (as Mr. Selden has ſhewn) though they did not give the title of *Counts Palatine* to them; a title which ſeems to have been firſt uſed in the times of King Henry the Second. The earldom of Cheſter was granted by William the Conqueror to one Gherbod, a Flemiſh baron, and afterwards to Hugh d'Avranches, otherwiſe called Hugh Lupus, to be held under the crown, by him and his heirs, with ſuch a juriſdiction, that they had their courts both of criminal and civil juſtice, and their barons, as their great council; every one of whom had alſo a court under him, in the ſame manner as thoſe barons who held of the King. John of Saliſbury gives the title of *Palatine* to all the Engliſh earls upon the marches of Wales, becauſe they likewiſe enjoyed a regal juriſdiction within the extent of thoſe marches:

V. Joh. Sariſb. de Nugis Cur. l. vi. c. 10. Order. Vital. ſub ann. 1070.

Selden's Titles of Honor, as above.

De Nugis Curial. ut ſupra.

and

and Hugh de Beleſme, who was earl of Shrewſbury in the reign of William Rufus, is therefore called a *Palatine* in ſome records of the time of Edward the Firſt. Mr. Madox obſerves, "that ſeveral of the lords marchers had a ſort of regality, which made their ſeignieuries look like *palatinates*. They had the firſt cognizance of all cauſes and plaints within their lordſhips; they had their chancery, their juſticiers, and other great officers, with an extenſive juriſdiction belonging to the chief court of their honor."

See Titles of Honor, P. ii. c. 5. ſect. 8. V. Baroniam, l. ii. c. 1. p. 154.

Our kings were induced to make theſe grants, that the borders of their kingdom might be defended by the arms, and at the charge of theſe noblemen, reſiding there, againſt the continual inroads of the Welſh; and that the conqueſts made in Wales might be maintained in the ſame manner. We find too that the ſame motive produced ſimilar grants upon the borders of Scotland. The entire profits of the county were given to every earl Palatine, for the better ſupport of his dignity, or rather as a fruit of the regality he enjoyed; whereas other earls had only a third part. In truth, theſe lords were entruſted with a much greater authority, than any ſubject, in a well-conſtituted monarchical ſtate, ſhould ever poſſeſs: but yet neither they, nor any other Engliſh peers, could pretend to a legal right, as the great vaſſals of the crown did in France, to confederate with *foreign powers*, unauthoriſed or unlicenſed by their own ſovereign: a right ſo incompatible with order and government, that one is ſurpriſed it could ever be admitted in that, or any other kingdom. Confederacies indeed for their mutual defence *among the vaſſals of the crown* appear to have been accounted not illegal in England: and in Stephen's reign there are examples of ſome Engliſh earls making treaties of that nature the one with the other, during the rage of civil war: but even thoſe treaties had a reſerve of their fidelity to their ſovereign particularly expreſſed.

It is a remarkable thing, that all the charters now extant for the creation of earls (the moſt ancient of which were granted by Matilda) make no mention of any determined number of knights which the earls were bound to provide. The reaſon of this I imagine to have been, that the knights-fees which they poſſeſſed belonged to the barony annexed to the earldom, not to the office or dignity of an earl: and as other baronies differed in the number of knights-fees by which they were held, ſo likewiſe did theſe. The moſt that I find in any barony of an earl were in the honor of Gloceſter, which, during the reign of King John, had three hundred and twenty ſeven knights, beſides a tenth and a twentieth part of a knight, that is, lands charged with knight-ſervice in thoſe proportions. From many inſtances it appears, that it was not the rank or dignity of the tenant, but only the extent and goodneſs of the lands compoſing a barony, by which the number of knights-fees belonging to it was determined, and that the proportions in which theſe lands were granted, whether to earls or to barons, were often very unequal.

See Madox's Baron. p. 93.

The great hereditary offices under the crown are called by Mr. Madox *officiary honors*; and he ſays, that when a lord had a *land honor* and *one of theſe*, he had *two diſtinct honors* veſted in him. The ſame author obſerves, that the greater vaſſals or tenants, of earls, barons, and prelates, were ſometimes called barons; for which, in another place, he gives this reaſon: "The earls and great lords did then, in "many particulars, imitate the form and faſhion of the "king's court. As the king had, ſo had they, their *da-* "*pifers* or ſeneſchals, chamberlains, and other officers in their "houſholds, and likewiſe abroad their *barons*, or *chivalerian* "*tenants*." But theſe (he ſays) were ſtyled *improperly* barons, and *only by way of reſemblance*. It ſeems to me that all who held of the great lords by knight-ſervice were not uſually called *their barons*, but only thoſe who were ſo conſiderable, as to have under them other knights, or military ſubvaſſals. We find

Baron. p. 157. l. ii. c. 1.

Hiſt. of the Excheq. c. 5. p. 133.

Baron. l. i. c. 6. p. 133, 134.

find in ſome charters that the magiſtrates or chief citizens of London, York, Warwick, and other principal cities, were honored with that title. It was even extended to all the judges in a county court. But in theſe inſtances the word is uſed very looſely.

V. Spelman's Gloſſ. BARO.

Ibidem, BARONES COMITATUS.

The name of *viſcount* in thoſe days was not a title of honor, but ſignified only a ſheriff. The principal functions of this office are thus defined by Mr. Madox, in his very accurate hiſtory of the Exchequer: "It was the ſheriff's duty to do the "juſtice of his county, to keep the publick peace, to ſtock "and improve the king's lands, and to collect the king's re-"venue." It appears that in time of war he alſo performed ſome military functions; and the above-cited author has obſerved, "that he uſually was the *præfect* or governor of the "king's caſtle in his county." It is ſaid that among the Anglo-Saxons this officer was elected in the county-court by the people: and in the reign of King Henry the Firſt the citizens of London paid a fine to that prince of a hundred marks of ſilver, that they might have the privilege of chuſing their ſheriffs themſelves. But no inſtance occurs of ſuch a liberty in the counties after the entrance of the Normans, till the ſtatute made by Edward the Firſt in the 28th year of his reign, by which he granted to his people, *that they ſhall have election of their ſheriff in every ſhire where the ſhrivalty is not of fee, if they liſt.* Nor did that act of parliament continue long unrepealed. In the times of which I write the ſheriffs had the counties committed to them reſpectively by the king, at his pleaſure, either in cuſtody, or at farm-certain. The Empreſs Matilda made a convention with Geoffry earl of Eſſex, by which, among other things, ſhe granted to him the ſhrivalty of London and Middleſex, at three hundred pounds yearly farm, and that of Hertfordſhire at forty pounds, as his grandfather yearly held. Three hundred pounds were then equivalent to at leaſt four thouſand five hundred now, and forty to

C. xxiii. p. 643.

Baron. l. ii. c. i. p. 145.

V. Spelman's Gloſſ. VICECOMES.

V. Magn. Rot. 5 Steph. Madox's Hiſt. of the Excheq. c. 11. p. 273. See alſo Diſſertatio de Magno Rot.

See Madox's Hiſt of the Exchеq. c. 23. p. 634. Manuſc. W. Dugdale in Muſeo Aſhm. Oxon. Madox, ut ſupra.

fix-

ſix hundred. It appears by the rolls, that, under Henry the Firſt, Richard Baſſet and Aubrey de Vere were joint-ſheriffs of *eleven counties*. This was extraordinary: but there are ſeveral inſtances under different kings of two or three being committed to the ſame perſon. Urſo d'Abitot, in the reign of William the Conqueror, was made ſheriff of Worceſterſhire, and the office was granted in fee to him and his heirs. Nevertheleſs it appears that his ſon was turned out of it by Henry the Firſt, for having ordered one of the ſervants of that king to be ſlain. But it went to his ſiſter, and, in her right, to her huſband, Walter de Beauchamp, from whom it deſcended, by inheritance, to William, their ſon, who in the reign of Henry the Second was alſo ſheriff of three other counties, viz. thoſe of Hereford, Gloceſter, and Warwick. Archbiſhops and biſhops were ſometimes appointed ſheriffs. In the reign of King Richard the Firſt, William, biſhop of Ely, who was chancellor at that time, offered to give the king for the ſhrivalty of the ſeveral counties of York, Lincoln, and Northampton, fifteen hundred marks in hand, and a hundred marks *increment* (that is, above the uſual farm) every year for each county. But the archbiſhop of York outbid him for Yorkſhire, and was made ſheriff thereof, on the payment of three thouſand marks for that county alone, and the yearly increment of three hundred. Three thouſand marks were then equivalent to thirty thouſand pounds in theſe days. This auction of a miniſterial and judicial office, of the higheſt truſt and importance, was a ſcandalous thing, and what does not appear to have been ever practiſed by Henry the Second.

See Dugdale's Baron. Beauchamp of Elmley.

V. Hoveden, par. ii. f. 736. Madox's Hiſt. of the Exchеq. p. 635.

It ſeems a ſtrange policy in William the Conqueror, and ſome of his ſucceſſors, to have granted, as they did, the office of ſheriff to certain earls *in their own counties*. For by this means they loſt that neceſſary check on the provincial authority of thoſe mighty peers, which the crown uſually had in the power of the ſheriff, and much encreaſed their influence over the people. In the great roll of the 15th of Henry the

See Selden's Titles of Honor, par. ii. c. 5. ſect. 12.

See Madox's Baron. l. ii. p. 144, 145.

Second mention is made of the *viſcounteſs of Beaumont*, and in other years of that reign one or two others are menti oned, who, I preſume, had inherited the office of ſheriff, and bore the name jointly with their huſbands, who executed the duties thereof. For ſo early as in the eleventh century it appears from ancient records, that there was in France an hereditary viſcounteſs of Maine, whoſe huſband was viſcount or ſheriff of that county in right of his wife. Certainly, the permitting an office of this kind to deſcend by inheritance, and even to females, may be reckoned among the faults of our old conſtitution. When it happened to fall to an infant, or unmarried woman, it muſt have been executed by a deputy: and I find an inſtance in the reign of King Henry the Third, of a deputation given to Hugh de Babington, by Walter archbiſhop of York, to keep under him the two counties of Nottingham and Derby, which that monarch had committed to him as ſheriff. But this could not be done without the leave of the king, and a writ to the barons of the Exchequer, ſignifying his acceptance of ſuch deputation.

Madox's Hiſt. of the Exchеq. c. 23. p. 644.

Many offices of the palace were rendered hereditary by William the Conqueror and our firſt Norman kings; which muſt have added very much to the power of the nobles, particularly the great offices of conſtable, mareſchal, chamberlain, and ſeneſchal. What authority and juriſdiction belonged to the conſtable we may partly learn from a ſtatute of the 13th of Richard the Second, wherein it is ſaid, "that he ought to have cogniſance of contracts touching feats of arms and of war out of the realm, and alſo of ſuch things relating to arms or war within the realm, as could not be determined or diſcuſt by the common law, with other uſages and cuſtoms appertaining to the ſame matters, which other conſtables before that time had duly and reaſonably uſed." Madox ſays, "he was a high officer both in war and peace;" and obſerves that the word ſignified a captain or commander. Yet I do not find that in the reign of Henry the

Hiſtory of the Exchequer. c. 11. p. 27.

the Second, thoſe who were conſtables to that king, namely Henry de Eſſex, and Humphrey de Bohun, ever had the chief command in his armies. On the contrary, ſome other noblemen are mentioned as generals and commanders in chief where the king himſelf was not preſent. Henry de Eſſex was *hereditary ſtandard bearer of England:* but whether that honor belonged to him as conſtable, or was a diſtinct office, held by him together with the other, does not clearly appear. That he was conſtable under Henry the Second is evident by two charters given in that reign. This dignity was forfeited by him, as well as his barony, in conſequence of his duel with Robert de Montfort, and was afterwards poſſeſſed by Humphry de Bohun, in the ſame reign, by virtue of his marriage with Margaret, eldeſt daughter to Milo earl of Hereford, who, by the death of her brothers, became heireſs to all her father's honors, of which this was one. How it had come from that family to Henry de Eſſex we are not told. But from the time of the abovementioned marriage it continued in the Bohuns for ten generations. It appears by a record, that, in the reign of Edward the Third, Humphrey de Bohun, the laſt of that name, held ſeveral manors of the king *by the ſervice of being conſtable of England.* And in the reign of Henry the Eighth, it was decreed by all the judges, "that this office might be annexed to lands, and deſcend even to females, who, while they remained unmarried, might appoint a deputy, to do the ſervice for them; but after marriage it was to be done by the huſband of the eldeſt alone." They alſo declared, "that the ſervice was not extinct, though part of the lands, for which it was done, fell into the hands of the king, to whom it was due; but remained entire in the eldeſt daughter: yet that the king might refuſe the ſervice, not to be forced to uſe the miniſtry of an unworthy perſon." Which expedient the king took, rather than admit the claim of the duke of Buckingham, who derived his title to it from the eldeſt daughter of the

See Dugdale's Baron. Eſſex, and Madox's Hiſt. of the Exchеq. p. 28.

Madox, ut ſupra.

See Dugdale's Baron. Hereford, Camden, and Madox's Hiſt. of the Exchеq. p. 28. V. Spelman's Gloſſ. CONTESTABULARIUS.

Ann. 6 H. VIII.

the laſt Humphrey de Bohun. And after the death of that duke the office was never revived. The author of the dialogue *de Scaccario*, written under King Henry the Second, in deſcribing the buſineſs done by the conſtable at the Exchequer, where he had a ſeat by virtue of his office, ſays, that when the *mercenary ſoldiers* of the king came to receive their pay there, it was his duty to examine their demands and accounts, with the help of his clerk, and ſee that the ſums due to them were paid at the proper terms. From hence it appears, that, beſides the feudal militia, ſome *mercenary ſoldiers* were kept in pay by King Henry the Second. Theſe I ſuppoſe to be men whom he hired to ſerve him inſtead of the military tenants, who paid eſcuage to him by way of commutation for perſonal ſervice.

L. i. p. 10.

Mr. Madox, deſcribing the office of the king's mareſchal, or mareſchal of England, ſays it was executed partly in the king's army, in time of war, and partly in his court, in time of peace. Of the military functions of this officer he tells us nothing more, than that he and the conſtable were to give certificates to the barons of their having duly performed the ſervice required of them in the king's armies; which ſeems to ſhew that theſe officers had a legal ſuperintendancy over thoſe armies. But, from other accounts, it appears, that in Edward the Firſt's reign the mareſchal's poſt was in the vanguard, and that it was his duty and the conſtable's to *muſter the forces*. His civil duties were (as Madox has collected them from ancient records) to provide for the ſecurity of the king's perſon in his palace, to diſtribute the lodgings there, to preſerve peace and order in the king's houſhold, and to aſſiſt in determining controverſies ariſing among them. He alſo performed certain acts, by himſelf or his ſubſtitutes, at the king's coronation, at the marriages and interments of the royal family, at the creating of barons and knights, and at other great and ceremonious aſſemblies in the king's court.

Hiſt. of the Excheq. c. 2. p. 33.

Ibidem, p. 31.

See Rymer, vol. ii. p. 783.

P. 10. Hiſt. of the Excheq. c. 2. p. 31. Dugd. Baron. Mareſchal earl of Pembroke, p. 600, 601. Spelm. Gloſſ. MARESCHALLUS.

It is ſaid in the dialogue *de Scaccario* abovementioned, that no buſineſs of importance ought to be done without his being conſulted. Under Henry the Second this office was held by a family, who ſeem to have taken their name from thence, and were only of the rank of barons: but under Richard the Firſt William Mareſchal having obtained the earldom of Pembroke was ſtyled *Earl Mareſchal*; and as, from that time, the office remained in the poſſeſſion of earls, though of different houſes, that title alſo continued; and the power of it ſeems to have encreaſed from the dignity of the noblemen who held it. In it's firſt ſenſe it ſignified maſter of the horſe to the king.

V. Dugd. Baronag. Vere.

The office of *high chamberlain*, or *the king's chamberlain*, (as this officer was uſually called in that age) was of eminent dignity and great power in the court. It was given by Henry the Firſt, on the forfeiture of Robert Malet, to Alberic de Vere and his heirs: which grant was afterwards confirmed to the ſon of Alberic by Matilda: but I doubt whether this lord continued to enjoy it under Henry the Second: for other perſons are named as chamberlains in the rolls of that reign.

Dugd. Baron. Grenteſmeinil, and Leiceſter.

The office of ſeneſchal under the ſame king was poſſeſſed by Hugh Grenteſmeinil baron of Hinkley, who leaving no iſſue male, it deſcended to Petronilla, his eldeſt daughter, and in her right to her huſband, Robert de Bellomont, earl of Leiceſter, ſurnamed *Blanchemains*, and ſon to the Grand-juſticiary, of whom mention has been frequently made in this book. It was at all times a great office; but the juriſdiction of it increaſed much, when the Grand-juſticiary's was diminiſhed; which did not happen till after the deceaſe of King Henry the Second. Indeed theſe offices could not poſſibly have ſubſiſted together, in the height of their power: the functions and dignity appertaining to each of them having been nearly the ſame. But, in the times I write of, that of ſeneſchal

was

was much inferior to the other; and the authority of it ſeems to have been not very different from that of the Lord ſteward of the houſehold at preſent.

The Grand-juſticiary (as Sir H. Spelman obſerves) ſingly executed, in thoſe days, the ſeveral functions and powers of the four principal judges in modern times, viz. the Chief-juſtice of the King's-Bench, the Chief-juſtice of the Common-Pleas, the Chief-baron of the Exchequer, and the Maſter of the Wards. He was too great for a ſubject: but happily for the crown, during the times that I write of, the office was not hereditary, nor even for life; and it was uſually tempered by a joint-adminiſtration of it in ſeveral perſons. Thus we find, that, in the reign of King Henry the Firſt, Roger biſhop of Saliſbury and Hugh Baſſet were jointly poſſeſſed thereof; and, under Henry the Second, Richard de Lucy was joined in commiſſion with Robert earl of Leiceſter. Yet it ſeems that the latter, after the death of the former in the year eleven hundred and ſixty eight, was ſole Chief-juſtice of England, during ſeveral years; for neither in the rolls, nor in hiſtory, is any mention made of another, till the year eleven hundred and ſeventy-nine; when, upon his reſignation, the biſhops of Winchеſter, Ely, and Norwich, were conſtituted Chief-juſtices, that is (ſays Sir W. Dugdale) had the adminiſtration of that high place: but they did not hold it long: for the next year it was given to Ranulph de Glanville, who enjoyed it alone till after the deceaſe of Henry the Second.

In the reign of Henry the Third, Hubert de Burg, earl of Kent, and Grand-juſticiary of England, had an aſſignment of three hundred pounds to be received by him annually at the Exchequer, in ſupport of the dignity of his office. If we compute the value of money as I have reckoned it in the times which are treated of here, this would be equivalent to no more than a ſalary of four thouſand five hundred pounds in theſe days: but I think the computation ought to be

See Dugdale's Origines Juridiciales. V. Ord. Vital. p. 905. ad ann. 1136. & p. 919. ad ann. 1139. Madox's Hiſt. of the Exchеq. c. 2. p. 23.

V. Diceto, ſub ann. 1179. Dugdale Origines Juridiciales.

V. Hoveden, ſub ann. 1180. f. 342. Hiſt. of the Exchеq. c. 2. p. 24. Spelm. Gloſſ. p. 338.

V. Madox's Hiſt. of the Exchеq. p. 26.

higher, as there is reaſon to believe that gold and ſilver were more ſcarce in that reign, than they had been in any, from William the Conqueror's, to the end of Henry the Second's. But it is probable that this aſſignment was not the whole profit belonging to the office.

C. ii. p. 54. Mr. Madox obſerves, in his hiſtory of the Exchequer, "that "for ſome time after the conqueſt the Chief-juſticiary uſed to "do many acts, which, afterwards, appertained to the treaſurer's office." Yet there was a treaſurer then among the great officers in the king's court, of whoſe functions the ſame author gives this account. "It ſeems to have been "the part or duty of the treaſurer in ancient time to act with "the other barons of the Exchequer in the government of "the king's revenue, to examine and controul accomptants, "to direct the entries made in the great roll, to atteſt the "writs iſſued for levying the king's revenue, to ſuperviſe the "iſſuing and receiving of the king's treaſure at the receipt of "the Exchequer, and in a word to provide for and take care "of the king's profit."

Ibidem, p. 54, 55.

It appears that, from the eleventh to the thirty firſt year of King Henry the Second, this office was held, by Richard, the ſon of Nigel biſhop of Ely; and a contemporary writer informs us, that his father purchaſed it for him of the king at the price of four hundred pounds. He was a clergyman, and afterwards biſhop of London. The venality of great offices, and even of ſome which were *judicial*, may be reckoned among the faults of policy in thoſe times.

V. Hiſt. Elienſ. in Angliâ Sacrâ, par. i. p. 627.

We find by the Exchequer rolls, that in Henry the Firſt's reign, Geoffry, his chancellor, ſtood debtor to him, for the cuſtody of his great ſeal, ſomewhat above three thouſand pounds: a price as high in thoſe days, as forty five thouſand pounds would be in theſe, at the loweſt computation. And the biſhop of London, in the letter to Becket, of which mention has been made in the account before given of that prelate's promotion to the ſee of Canterbury, ſays, it was a matter

See Madox's Hiſt. of the Excheq. p. 43. & Diſſert. on the great roll.

See the note on the value of money in the firſt volume.

matter of publick notoriety, that he had bought the office of chancellor for many thouſand marks. But this does not appear from the rolls.

Of the functions and power of this officer ſome account has been given in the former part of this book. It may be proper to add here, that, in the dialogue *de Scaccario* before-cited, it is ſaid, *he was great in the Exchequer, as well as in the court, ſo that nothing of moment was, or could be done there, without his conſent or advice.* And the ſame treatiſe informs us, that in the court of Exchequer the Grand-juſticiary preſided under the king; next to him ſat the chancellor; then the conſtable, then the chamberlains, and laſtly the mareſchal. Mr. Madox obſerves, that as the power of the juſticiary declined, that of the chancellor grew; and he conjectures that the latter office received a conſiderable acceſſion of power and dignity from the greatneſs of ſome of the perſons who had borne it. He likewiſe ſays, *that the ſplendour of the king's court appeared very much in the greatneſs of his officers and miniſters.* But ſome of them were *ſo great*, and *ſplendid*, as, inſtead of augmenting, to diminiſh the *ſplendour* of their maſter, and draw the eyes of his other ſubjects from him to themſelves.

L. i. p. 9.

L. i. p. 8.

Hiſt. of the Excheq. p. 43.

P. 21. c. 2.

Many of the nobles and gentry held lands of the crown by the ſervice of *grand-ſerjeanty*, which is called by Sir H. Spelman *the higheſt and moſt illuſtrious feudal ſervice.* Sir Thomas Lyttelton ſays, "that tenure by grand-ſerjeanty is "when a man holds his lands or tenements of the king, *by* "*ſuch ſervice as he ought to do in his proper perſon to the king*, "as to carry the banner of the king, or his lance, or to lead "his army, or to be his mareſchal, or to carry his ſword be-"fore him at his coronation, or to be his ſewer at his coro-"nation, or his carver, or his butler, or to be one of his "chamberlains of the receipt of his Exchequer, or to do "other like ſervices," &c. Which definition the learned Craig has eſpouſed in his admirable treatiſe on feudal law.

V. Gloſſ. SERJEANTIA.

V. Lyttelton's Tenures, & Craig de Jure Feudali, l. i. tit. 11. ſect. 5.

Yet

V. Mad. Baronia, l. iii. c 5.

Yet Mr. Madox has ſhewn, by the evidence of records, that ſome who held by grand-ſerjeanty *were not bound to do their ſervice in their own perſons.* But the inſtances of this kind are, I believe, ſo few, as not much to impeach what Sir Thomas Lyttelton has aſſerted. The latter ſays, *that all who hold of the king by grand-ſerjeanty, hold by knight-ſervice:* but this is well explained by his commentator, Lord Coke, to mean only, that this tenure had *the effects of knight-ſervice*, wardſhip, marriage, and relief. Lyttelton himſelf, in the paſſage cited above, mentions ſome ſerjeanties which were not of a military nature: he likewiſe obſerves, that the relief paid for this kind of tenure was not the ſame as for lands that were held by knight-ſervice; being one year's value of the lands and tenements over and above all charges or reprizes; whereas the relief of a knight's-fee was but a hundred ſhillings. Nor did ſuch tenants pay ſcutage, like other military vaſſals, even when the ſervice, to which they were bound, was of a military nature; the reaſon of which ſeems to be, that, although the king might be willing to commute with an ordinary knight for his ſervice, he would not ſo eaſily admit a commutation, where the ſervice was to be done to him in his own perſon, or in what concerned his royal dignity in a more particular manner; nor would a tenant, who was honored by ſuch a diſtinction, deſire that his office ſhould be performed by another.

Baronia, l. iii. c. 5.

Among ſeveral inſtances of this tenure not relative to war or knight-ſervice, Mr. Madox mentions one of a ſingular kind. In the reign of Henry the Sixth, John Baker held certain land in Kent of the king *by the ſervice of holding the king's head in the ſhip which carried him in his paſſage between Dover and Whitſand.* This was adjudged to be *grand-ſerjeanty*; and it evidently appears, that the idea of *royalty* in our ancient conſtitution muſt have been very high, when *ſuch a ſervice* done to the perſon of the king was deemed by the law *the moſt honorable tenure.* But it muſt be always remembered, that the idea of a king in that conſtitution was *a ſupreme*

ſupreme head and ruler of a free nation, to whom allegiance was due in return for protection; and to that idea too much reverence could not be annexed.

There was alſo tenure by *petit ſerjeanty*, of which Sir Thomas Lyttelton gives this account, "that it was where a "man held his land of the king, to yield to him yearly a "bow, or a ſword, or a dagger, or a cutlaſs, or a lance, or a "pair of gloves of mail, or a pair of gilt ſpurs, or an arrow, "or diverſe arms, or other ſuch ſmall things belonging to "war:" which deſcription Sir H. Spelman likewiſe adopts, and agrees with Lyttelton that this ſervice was but *ſoccage* in effect; for which the latter gives this reaſon, "becauſe ſuch "tenant by his tenure is not bound to go to war, nor do any "thing *in his proper perſon* relating to it, but to render and "pay yearly certain things to the king, as a man is bound to "pay a rent." He ſays too, that none can hold by *grand* or *petit ſerjeanty*, but of the king. Yet Bracton mentions ſerjeanties held of private perſons; as for inſtance, if a man is bound to ride with his lord from manor to manor: but then he diſtinguiſhes theſe from thoſe ſerjeanties, that regarded the king or the defence of the realm, with reſpect to the claim of wardſhip and marriage.

V. Gloſſ. SERJEANTIA MINOR.

V, Bracton, l. ii. c. 35. Spelm. Gloſſ. SERJEANTIA MAJOR.

It alſo appears, that the great nobles affected ſo much to form their houſeholds, on the model of the king's, that they had *hereditary officers*, to whom they alſo granted fiefs. Mr. Madox recites a grant from William earl of Warwick to Alan his cook, by which he confirmed to him the office, his father Richard had held, namely, *the chief miniſtry of his kitchen, (capitale miniſterium coquinæ meæ)* which was vulgarly called the place of maſter cook, *(quod dicitur magiſter coquus)* to be held by him and his heirs, of the ſaid earl and his heirs, as fully and entirely as his father had enjoyed it, with all *fees* of the ſaid kitchen, *(cum omnibus feudis dictæ coquinæ)* and all appertinances belonging to the maſter cook. By the ſame charter we find, that the ſaid Alan and his father had an eſtate in land

See Hiſt. of the Exchequer, c. 2. p. 39.

V. Mad. Baronia, l. iii. c 5.

Yet Mr. Madox has ſhewn, by the evidence of records, that ſome who held by grand-ſerjeanty *were not bound to do their ſervice in their own perſons.* But the inſtances of this kind are, I believe, ſo few, as not much to impeach what Sir Thomas Lyttelton has aſſerted. The latter ſays, *that all who hold of the king by grand-ſerjeanty, hold by knight-ſervice:* but this is well explained by his commentator, Lord Coke, to mean only, that this tenure had *the effects of knight-ſervice*, wardſhip, marriage, and relief. Lyttelton himſelf, in the paſſage cited above, mentions ſome ſerjeanties which were not of a military nature: he likewiſe obſerves, that the relief paid for this kind of tenure was not the ſame as for lands that were held by knight-ſervice; being one year's value of the lands and tenements over and above all charges or reprizes; whereas the relief of a knight's-fee was but a hundred ſhillings. Nor did ſuch tenants pay ſcutage, like other military vaſſals, even when the ſervice, to which they were bound, was of a military nature; the reaſon of which ſeems to be, that, although the king might be willing to commute with an ordinary knight for his ſervice, he would not ſo eaſily admit a commutation, where the ſervice was to be done to him in his own perſon, or in what concerned his royal dignity in a more particular manner; nor would a tenant, who was honored by ſuch a diſtinction, deſire that his office ſhould be performed by another.

Baronia, l. iii. c. 5.

Among ſeveral inſtances of this tenure not relative to war or knight-ſervice, Mr. Madox mentions one of a ſingular kind. In the reign of Henry the Sixth, John Baker held certain land in Kent of the king *by the ſervice of holding the king's head in the ſhip which carried him in his paſſage between Dover and Whitſand.* This was adjudged to be *grand-ſerjeanty*; and it evidently appears, that the idea of *royalty* in our ancient conſtitution muſt have been very high, when *ſuch a ſervice* done to the perſon of the king was deemed by the law *the moſt honorable tenure.* But it muſt be always remembered, that the idea of a king in that conſtitution was *a ſupreme*

ſupreme head and ruler of a free nation, to whom allegiance was due in return for protection; and to that idea too much reverence could not be annexed.

There was alſo tenure by *petit ſerjeanty*, of which Sir Thomas Lyttelton gives this account, "that it was where a "man held his land of the king, to yield to him yearly a "bow, or a ſword, or a dagger, or a cutlaſs, or a lance, or a "pair of gloves of mail, or a pair of gilt ſpurs, or an arrow, "or diverſe arms, or other ſuch ſmall things belonging to "war:" which deſcription Sir H. Spelman likewiſe adopts, and agrees with Lyttelton that this ſervice was but *ſoccage* in effect; for which the latter gives this reaſon, "becauſe ſuch "tenant by his tenure is not bound to go to war, nor do any "thing *in his proper perſon* relating to it, but to render and "pay yearly certain things to the king, as a man is bound to "pay a rent." He ſays too, that none can hold by *grand* or *petit ſerjeanty*, but of the king. Yet Bracton mentions ſerjeanties held of private perſons; as for inſtance, if a man is bound to ride with his lord from manor to manor: but then he diſtinguiſhes theſe from thoſe ſerjeanties, that regarded the king or the defence of the realm, with reſpect to the claim of wardſhip and marriage.

V. Gloſſ. SERJEANTIA MINOR.

V, Bracton, l. ii. c. 35. Spelm. Gloſſ. SERJEANTIA MAJOR.

It alſo appears, that the great nobles affected ſo much to form their houſeholds, on the model of the king's, that they had *hereditary officers*, to whom they alſo granted fiefs. Mr. Madox recites a grant from William earl of Warwick to Alan his cook, by which he confirmed to him the office, his father Richard had held, namely, *the chief miniſtry of his kitchen, (capitale miniſterium coquinæ meæ)* which was vulgarly called the place of maſter cook, *(quod dicitur magiſter coquus)* to be held by him and his heirs, of the ſaid earl and his heirs, as fully and entirely as his father had enjoyed it, with all *fees* of the ſaid kitchen, *(cum omnibus feudis dictæ coquinæ)* and all appertinances belonging to the maſter cook. By the ſame charter we find, that the ſaid Alan and his father had an eſtate in land

See Hiſt. of the Exchequer, c. 2. p. 39.

granted to them by the bounty of their lord, with a power to hold courts over their tenants or vaſſals, without contradiction from the ſaid earl or his heirs: ſo high a regard did ſome of our ancient nobility pay to their cooks; and ſo munificently did they reward them *for the good ſervices done in their kitchens!*

Beſides earldoms, baronies, and officiary honors, there was in thoſe days an honorary dignity, which was thought to add a new luſtre to the higheſt degrees of nobility, nay, even to princes and kings themſelves; I mean, *the order of knighthood.* It was accompanied with a ſolemn religious engagement, the nature of which, as well as the purpoſes of this ſingular inſtitution, I cannot better ſet forth, than in the words of Alphonſo the Fifth, king of Portugal, as they are delivered by a good and authentick hiſtorian. That prince, after having taken the city of Arzila, by aſſault, from the Moors, went immediately, in great ſolemnity, to the chief moſque, and when he had prayed, ſome time, before a crucifix, which was placed upon the dead corpſe of the count de Marialva, who had been killed in the action, he commanded his ſon, the Infant of Portugal, to kneel down by his ſide; which being done, he drew his ſword, and ſaid to the young prince,

V. Marmot. Africa, t. ii. l. iv. c. 53.

" My ſon, we have received this day a great favour from Al-
" mighty God, who has made us maſters of ſo important a
" place, and given me ſo fair an opportunity of conferring on
" you the order of knighthood, and arming you with my own
" hand. But, firſt to inſtruct you what the nature of that
" order is, know, my ſon, that it conſiſts in a cloſe confe-
" deracy or union of power and virtue, to eſtabliſh peace
" among men, whenever ambition, avarice, or tyranny, trouble
" ſtates or injure particulars. For knights are bound to em-
" ploy their ſwords on theſe occaſions, in order to dethrone
" tyrants and put good men in their place. But they are
" likewiſe obliged to keep fidelity to their ſovereign, as well

" as

" as to obey their chiefs in war, and to give them ſalutary " counſels. It is alſo the duty of a knight to be frank and " liberal, and to think nothing his own, but his horſe and " arms, which he ought to keep for the ſake of acquiring " honor with them, by uſing them in the defence of his re- " ligion and country, and of thoſe who are unable to defend " themſelves. For, as the prieſthood was inſtituted for di- " vine ſervice, ſo was chivalry for the maintenance of religion " and juſtice. A knight ought to be the huſband of widows, " the father of orphans, the protector of the poor, and the " prop of thoſe who have no other ſupport: and they who " do not act thus are unworthy to bear that name. Theſe, " my ſon, are the obligations which the order of knighthood " will lay upon you: conſider whether you are deſirous of it " upon theſe terms." The prince anſwering, that he was, the king went on to aſk him, if he would promiſe to perform all theſe ſeveral duties, and make them to be obſerved, with other rights and cuſtoms of the order of knighthood? To which he having conſented, " On theſe conditions," ſaid the king, " I make and arm you a knight, in the name of God, " the Father, the Son, and the Holy Ghoſt;" and at each of theſe ſacred names, ſtriking him with his ſword on the helmet, he added, " May God make you as good a knight, as this " whoſe body you ſee before you, pierced in ſeveral places " for the ſervice of God and of his ſovereign." Then kiſſing him on the forehead he raiſed him up with his hand.

Such was the idea of chivalry in its principles, and according to the original purity of it: nor can one eaſily imagine a nobler incitement to brave and virtuous actions: but it was an idea too perfect for human nature; and the general practice of thoſe who took this engagement was far from being conformable to it's intentions and rules. One may alſo object to it, that not being confined to kings or princes, but extended to great numbers of private men, it ſeemed to take the ſword

out of the hand of the magiſtrate, to whom only belongs the maintenance of religion and juſtice in a well governed ſtate. But ſtill the inſtitution had ſomething exalted and heroical in it; and I will venture to ſay, that, from the ninth to the ſixteenth century, the brighteſt virtues which dignified, either the hiſtory of this nation, or that of any other people in the whole Chriſtian world, were chiefly derived from this ſource. Had it not been for the ſpirit of chivalry, the corruption of religion, the want of all good learning, the ſuperſtition, the ferocity, the barbariſm of the times, would have extinguiſhed all virtue and ſenſe of humanity, as well as all generous ſentiments of honor, in the hearts of the nobility and gentry of Europe: nor could they have been able to reſiſt the military enthuſiaſm of the Saracens and the Turks, without the aid of another kind of fanaticiſm, which was excited and nouriſhed in them by means of that ſpirit.

Some very eminent writers have thought that the origin of this inſtitution was a voluntary aſſociation of private men, to defend the publick and particulars, but more eſpecially women, from the many grievous diſorders that infeſted all Europe upon the decline of the family of Charlemagne. But Mr. Selden takes notice, that ſome traces of it occur in that emperor's reign; and both he, and our other great antiquary, Spelman, incline to derive it from a cuſtom of much earlier date, namely that obſerved by Tacitus among the ancient Germans, of giving arms to their young men in the publick aſſemblies, and the adoption *per arma* practiſed by the Goths and ſome other barbarous nations. But whether it firſt came from Germany, or from the Lombards in Italy, among whom the moſt evident marks of it are found, the commencement of it was certainly prior to the epocha abovementioned. Nevertheleſs it is probable, that the confuſion and violence of thoſe times made the practice of it more general, as being more neceſſary; and might alſo occaſion the conſecrating of it with ſolemn

Titles of Hon. pars ii. c. 5. ſect. 34. Ibidem, c. i. ſect. 58. Spelm. Gloſſ. MILES. See alſo Pere Daniel Hiſt. de France, Charlemagne: & Hiſt. de la milice Franc. t. i. l. iii. c. 4. V. Paulum Diaconum. Spelman, ut ſup. à. Selden, ut ſuprà.

ſolemn vows and religious rites. The firſt mention made of thoſe ceremonies in England is by Ingulphus, who wrote under the reign of William the Conqueror. He ſays, it was the cuſtom of the Saxons in England, that the perſon who was to be knighted ſhould prepare for it by confeſſion and abſolution of his ſins the evening before, and, afterwards, by watching all night in the church: that in the morning he ſhould offer his ſword on the altar, and receive it bleſt from the prieſt, who, with a benediction to him, ſhould put it about his neck, after his having heard maſs and taken the ſacrament. But, in the account which is given by W. of Malmſbury of Athelſtan's being knighted by King Alfred his grandfather, nothing is ſaid of theſe rites, though the hiſtorian particularly mentions the giving him a ſword and a rich belt, with a crimſon or ſcarlet robe, as the enſigns of knighthood. And Ingulphus adds, that the Normans abominating this manner of conſecrating knights deſpiſed thoſe who were ſo made, and altered the cuſtom. Nevertheleſs it is certain, that ſome of theſe ſacred forms were uſed in England, as well as in France, for ſeveral ages; particularly the receiving of the ſword from the altar. Other ceremonies alſo were practiſed, that are not named by Ingulphus, and of which the moſt eſſential appear to have been, the bathing the candidate, and after his being ſo purified, the girding him with his ſword, the putting on his feet a pair of gilt ſpurs, and ſtriking him gently with a ſword on the neck, head, or ſhoulders. When theſe things were done in the royal palace, and ſome of them by the hands of the king (as they frequently were) the ſolemnity was graced by the ſongs and muſick of minſtrels, who attended on the knight, and by many other marks of rejoicing and honor. Robes of different colours were alſo given to him at the expence of the crown. In the hiſtory of the Exchequer I find an account of thirty three pounds, for three robes of ſcarlet, two robes of green, and other neceſſaries for making a knight,

V. Malmſb. de geſtis Reg. Angl. l. ii. c. 6.

See Selden's Titles of Hon. par. ii. c. 5. ſect. 35. Johan. Sariſb. de Nugis Curialium. l. vi. 20. Petr. Bleſenſ. epiſt. 94. See P. Daniel Hiſt. de la miliceFrançoiſe, l. iii. c. 4. p. 99. Upton de Militari Officio, l. i. c. 3.

See Madox's Hiſt. of the Exchеq. c. 10. p. 255. Rot. 6 J. Rot. 16. a Kent.

Ibidem, Mag. Rot. 2 H. II. Rot. 12. 6. Mag. Rot. 22 H. II. Rot. 1. 6.

allowed by King John. But in ſome accounts of the reign of Henry the Second the expence of this ceremony is not near ſo great; which may have been owing to his better œconomy. A difference was made in the dreſs of knights and eſquires, it not being permitted to the latter to wear any gold, though they were of the higheſt quality; and from hence, I ſuppoſe, as well as from the gilt ſpurs given to knights at receiving the order, they were diſtinguiſhed by the name of *Equites Aurati*.

See Upton de Re Militari, l. i. c. 3. Selden's Tit. of Hon. c. 5. ſect. 34.

In time of war and actual ſervice the abovementioned forms were much abridged. The perſon who was to be knighted preſented a ſword to the king, or commander in chief, if the king was not with the army, and deſired to receive the order of knighthood, which was given him with no other ceremony than a ſtroke on the neck with that ſword. Before an aſſault, or a battle, or any perilous action, it was cuſtomary to make a number of knights in this manner, as an encouragement to thoſe who were thus choſen out from all the eſquires there preſent, to act not unworthily of the dignity they received. The ſame thing was done at the concluſion of a battle or ſiege, or other military exploit, as a reward to thoſe who had diſtinguiſhed themſelves by their valour. And this was juſtly eſteemed the moſt honorable knighthood. In France the order was given with the following words: "I "make thee a knight in the name of God and My Lord St. "George, to maintain the faith and juſtice loyally, and de-"fend the church, women, widows, and orphans." In the empire the oath, anciently taken by the knights at receiving the order, was to the ſame effect. But John of Saliſbury, in his book *De Nugis Curialium*, which appears to have been written under the reign of king Stephen, ſays, that in England, for the moſt part, it was then become the faſhion not to adminiſter any oath to the knights. Yet he labours to ſhew, that, by the indiſpenſable duty of their office, they were tacitly bound

V. Diviſion du Monde. Selden's Tit. of Honor, par. ii. c. 3. ſect. 24.

See Selden, ib. c. 1. ſect. 60. c. 5. ſect. 35. L. vi. 10.

bound to the defence of the church; and avails himſelf (as does likewiſe Peter de Blois, who wrote not long afterwards) of the ceremony of their taking their ſwords from the altar, as indicating a profeſſion of their having received it to the defence and honor of the prieſthood, the aſſiſtance of the poor, the puniſhment of evil deeds, and the freeing of their country from tyranny or oppreſſions. Indeed both theſe writers add, that many of the knights did in no wiſe act agreeably to ſuch a profeſſion, but as if they had vowed the very contrary; eſpecially, with regard to the church. Yet the general opinion of their being engaged to ſerve and defend it muſt have contributed greatly, in the age that I write of, to promote the cruſades; as the entering into that warfare appeared only a conſequence of the original obligations, which every knight had contracted in receiving his knighthood. And in the next age it induced them to draw their ſwords with equal zeal againſt the Vaudois and Albigenſes, whom the clergy repreſented to them as enemies to the church and catholick faith.

V. Epiſt. 9. Petr. Bleſenſ.

Every knight had a power, inherent in himſelf, to make other knights, not only in his own country, but wherever he went: and (what ſeems more extraordinary) knighthood was ſometimes conferred in England by thoſe who themſelves had it not, and were indeed incapable of it, viz. biſhops and abbots. William Rufus was knighted, in his father's life-time, by Lanfranc archbiſhop of Canterbury. The foundation of this muſt, unqueſtionably, have been a notion, that the order, being conferred with ſacred rites and forms of prayer, was a kind of religious inſtitution. During the reign of King Stephen we find that the earl of Gloceſter knighted his brother, who was afterwards earl of Cornwall; and other examples occur of the ſame power being exerciſed, for ſeveral ages, by private perſons in England, without the authority of a royal commiſſion. Nay, our kings themſelves have been knighted, by the hands of their ſubjects: as Henry

the

the Sixth by the duke of Bedford's, and Edward the Sixth by the duke of Somerſet's. Knighthood was therefore diſtinguiſhed from all other honors and dignities in the ſtate by this remarkable difference, that thoſe were ſuppoſed to be derived from the king, as their fountain and head; but this might be given to the king himſelf by his ſubject. It might alſo be given by any ſovereign prince in the territory of another, and the rank aſſigned to it was the ſame in all Chriſtian countries.

The poet Gunther, who was contemporary with Henry the Second, ſays in a Latin poem, that the Emperor Frederiek Barbaroſſa, the better to repel the enemy from his borders, and defend his country by the ſuperior force of his arms, granted knighthood to many perſons of low and vulgar birth, which in France would have been thought a ſtain to that dignity. And from a paſſage in Glanville (of which I ſhall ſay more hereafter) it may be inferred that in England, under Henry the Second, even enfranchiſed villeins, born in ſervitude, were ſometimes knighted. Yet this, I preſume, was only done, when they had performed very extraordinary actions in war, after having obtained their freedom.

See Madox's Baronia, l. i. c. 6. p. 130.

In the reign of Henry the Third the honor and lands of Roger de Somery, baron of Dudley, were ſeized by the crown, *becauſe he did not come to the king to be girt with the belt of knighthood*. And in the nineteenth year of the ſame king, all the ſheriffs of England were commanded to make proclamation in their reſpective counties, that all who held of the king in chief one knight's-fee, or more, and were not yet knighted, ſhould take arms and get themſelves knighted, before the next Chriſtmas, as they loved the tenements or fees which they held of the king. Whether, in the times that I write of, any compulſion was uſed to oblige men to be knighted, I cannot poſitively affirm: but as Mr. Madox, in his hiſtory of the Exchequer, has given no records of any fines having been levied on that account, or proclamations

iſſued to enjoin it, till the reign of Henry the Third, and many in and after that reign, the preſumption is ſtrong, that it had not been the practice before the death of King John.

Indeed it ſeems a deviation from the original principle of this inſtitution. For one cannot but think it a very great inconſiſtency, that a dignity, which was deemed an acceſſion of honor to kings themſelves, ſhould be forced upon any; and ſtill more, that ſuch numbers of a lower rank of gentry ſhould be obliged to receive it, as a duty annexed to their fiefs. *Guillaume le Breton*, who wrote under Philip Auguſtus, ſays of a young nobleman, who had diſtinguiſhed himſelf in the army of France at the battle of Bouvines, that he was worthy to be made a knight, both by his family and by his *actions*. There is alſo in a French treatiſe of no little authority upon this ſubject the following paſſage: "An eſquire, *when he* "*has travelled much, and been in many exploits of arms, out* "*of which he has come with honor, and who has an eſtate ſuf-* "*ficient to maintain the rank of knighthood* (for otherwiſe it "would be no honor to him, and it is better to be a good "eſquire than a poor knight) ought to deſire any lord, or va- "liant knight, to knight him, in the name of God, &c." Here not only the being poſſeſſed of a competent fortune, but the having given many proofs of perſonal valour, is made a neceſſary qualification for the attainment of knighthood; and it is ſpoken of, as an honor which the eſquire was to gain, not as a burthen impoſed upon him by law or tenure. A learned member of the French academy, who has lately enriched the republic of letters with ſome excellent obſervations on ancient chivalry, has ſhewn that, in France, the education given to thoſe who aſpired to knighthood was excellently calculated to make them good ſoldiers, and inſtruct them in all the duties of that noble profeſſion. Undoubtedly the ſame methods were uſed in England: for our firſt kings of the Norman race introduced into their courts the faſhions and manners of France with little alteration; and moſt of our

V. LaSalade, fol. 54.

V. Memoires ſur l'ancienne Chevalerie, t. i. l. i. & Notes.

our nobility, during the times which I write of, being of Norman or French extraction, and keeping up a perpetual intercourſe with their countrymen, the plan of education in France muſt naturally have been thought the beſt they could follow. Among the French a young gentleman, deſtined to arms by his parents, was uſually taken, when he was ſeven years old out of the hands of the women, who till then had the care of his breeding, and remained *a page* till fourteen, in the family of ſome knight: after which he ſerved ſeven years in the quality of *eſquire*, and was then knighted: but this term of pupillage and of ſervice was frequently abridged, and knighthood was given to ſome perſons at ſixteen or fifteen years of age, if they had an extraordinary forwardneſs and maturity of ſtrength, or were of very high rank, as princes, or the ſons of princes. Sir H. Spelman ſays, that, with the Engliſh, fifteen is accounted the lawful age of knighthood: but he obſerves that two of our kings were knighted when they were much younger, namely, Edward the Sixth in his tenth year, and Henry the Sixth in his fifth.

See Spelman's Remains, De milite differt. p. 175.

Every knight had his lady, to whom he vowed faithful ſervice, whoſe favours he wore in tournaments and in battles, and for whoſe honor he was always prepared to combat, with no leſs zeal and enthuſiaſm, than for the defence of the catholic religion itſelf. This was inculcated to them in the firſt rudiments of their education: for an old chronicle tells us, that, *together with their catechiſm the young gentry were taught the art of love.* The great purpoſe of theſe inſtructions was unqueſtionably to make the paſſion of love an incitement to valour, and likewiſe to humaniſe and ſubdue the ferocity of their manners. Both theſe ends were accompliſhed; the firſt in a high degree, and the latter as far as the general barbariſm of the times, in other reſpects, would permit. By ſome paſſages in ancient writers, who treat of chivalry, it appears, that in the leſſons of love which were given to the candidates for the order of knighthood, a kind of *Platonic refinement*

V. Memoires ſur l'ancienne Chevalerie, t. i. p. 95, 96.

finement and purity was inſpired: but we learn from the hiſtory of thoſe ages, that theſe ſentiments were very ſeldom of much more uſe to ſecure the chaſtity of the ladies, than the enchanted armour, which ſome knights imagined they wore, was to guard their body from ſwords or lances.

The very amuſements of chivalry were a perpetual diſcipline and ſchool of proweſs. Enough has been ſaid before of tilts and tournaments, and other methods of exerciſing the courage of the knights, in times of peace. But when their own country did not furniſh them with ſufficient opportunities of diſplaying their valour, ſo impatient were they of eaſe, and ſo deſirous of glory, that they often went into foreign lands, *to ſeek adventures*. If any enterpriſe of great peril was undertaken by a knight, he often aſſociated with him *a brother of arms:* which fraternity was eſteemed ſo cloſe a bond, that their obligation to aid each other was only ſubordinate to the loyalty due to their ſovereign; nor is it probable (if we conſider the temper of the times) that, when ſuch an engagement had been cemented by common dangers and benefits, it could be always kept ſubject even to that limitation. We are aſſured by a learned antiquary, that the compact was ſometimes ratified by the parties opening their veins, and mingling their blood, to ſignify that each of them was ready to ſhed his, in defence of the other. A near relation was alſo contracted between the perſon who received the order of knighthood, and him who conferred it; the imparting of that honor being deemed a kind of *adoption*, not, indeed, with regard to the right of inheritance, but to a communication of paternal and filial affection.

V. Du Cange Diſſert. à la ſuite de Joinville.

All this ſeems quite *romantick:* and indeed the old romances are no contemptible hiſtories of the manners of thoſe times. The knight-errantry they deſcribe had then a real exiſtence. The gallantry of the knights to the ladies, which had an air of devotion; their preſenting them with the prizes

they had won in their tournaments, and even with the priſoners they had taken in war; their delivering captives, eſpecially of the fair ſex, from caſtles, where they were violently detained and injuriouſly treated; their purſuing aſſaſſins, or robbers, to puniſh and deſtroy them without form of law; and their obliging lords of caſtles to aboliſh *evil cuſtoms*, which they had cauſed to be obſerved in their diſtricts or manors; all theſe things, which are feigned of knights, in the French and Spaniſh romances, were often done in real life, and aroſe out of the principles of knighthood itſelf, the diſorders of the feudal government, and the ſpirit of the times. Even the moſt incredible fictions in theſe books, the ſorceries and enchantments, had a foundation in the eſtabliſhed faith of thoſe ages, and in the many ſuperſtitions which the Chriſtian religion, as well as the Jewiſh, the Mahometan, and the Pagan, was then over-run with: ſo that what in theſe days appears to us the delirium of a wild imagination, was in thoſe the univerſal creed of mankind. The extraordinary honors paid to knights, in caſtles, in cities, and in the courts of great princes, are likewiſe truly repreſented by the deſcription given of them in old romances: but beſides theſe, which they enjoyed in every country, from the courteſy of the times they had in England ſome *legal diſtinctions and privileges*, granted to the whole order, and which ſhew the high eſtimation of it in the eye of the law.

Titles of Hon. part ii. c. 5. ſect. 37.

Mr. Selden takes notice of it, as "a ſpecial honor to "knighthood, that though it be regularly ſuppoſed in law "that no heir of a tenant by knight-ſervice is able to do the "ſervice himſelf, until he be of the age of one and twenty "years (which is the reaſon and ground of all our wardſhips "of male-heirs) yet if any ſuch be knighted, either in the "tenant's life-time, or after his death, of what age ſoever he "be, he is adjudged, for that purpoſe only, as of full age, and "the wardſhip of his body in the one caſe is prevented by it, "and in the other ends with it. For, in regard that, by

"the laws of honor, he is adjudged to be a knight, there-
"fore, by the common law, he is likewiſe adjudged ſo able to
"do the ſervice, as that his body needs no further tuition of a
"guardian over it." But the ſame author obſerves, that, by the grand charters both of King John and Henry the Third, though the wardſhip of the body be ended by the tenant's receiving the order of knighthood, yet the land was to continue in the cuſtody of the lord, till the heir was of the age of twenty one years. "From this reaſon (ſays he) it was, that
"under Henry the Second, ſome are fined for procuring others
"than the king to knight any of the king's wards; whereby
"he loſt his wardſhip of the body." Other privileges of knighthood in judicial proceedings are mentioned by Mr. Selden, as "that the grand aſſize in a writ of right (which
"is as a jury, and the higheſt trial by oath that is in the law)
"is to be choſen by knights, and out of knights, if they can
"be found." It appears by Glanville that this law was under Henry the Second. And in the Pipe rolls of that reign one is fined at a hundred pounds for ſtriking a knight; and another at forty marks, becauſe he was preſent when the knight was compelled to ſwear, that he would not complain of the injury done to him. Theſe inſtances ſhew a great regard in the law to the honor of knighthood: for a hundred pounds was in thoſe days a very high fine. I take no notice here of any diſtinctions given to knights in later times, which I am not ſure were enjoyed by them during thoſe that I write of. But it appears by the dialogue *de Scaccario*, that, under King Henry the Second, the horſes and arms of a knight who had a good reputation were not to be ſold, even for the payment of his debts to the king, upon a proceſs out of the Exchequer; but were to be privileged, that, whenever there ſhould be occaſion, he might be called out, well furniſhed with theſe neceſſaries, to ſerve the king and kingdom. The ranſoms paid to knights for the priſoners they took, and the ſhare aſſigned to them, by

cuſtom, of all the booty and ſpoils that were gained from an enemy, furniſhed them with ample means of advancing their fortunes: but they had moreover rich preſents made to them by the princes, or nobles, they ſerved, upon the performance of any eminent feats of valour. And as every knight was permitted, by the law, or uſage of the times, to offer his ſword occaſionally to different potentates, when they were not in an actual ſtate of hoſtility againſt each other, it often happened that the ſame perſon was enriched by the munificence of ſeveral courts. It was indeed the intereſt of a king, or any great feudal lord, to let his knights ſeek employment wherever reputation was to be gained, if he himſelf had no immediate want of their ſervice, in order to keep up the fame of his chivalry; and that they might return to him more experienced and improved in the art of war. By this means that militia, in which the principal and peculiar ſtrength of the feudal governments lay, was kept in conſtant exerciſe, and frequent actual ſervice; without which no militia can ever be equal to a veteran ſtanding army. And it is very remarkable, that, although the nobility and gentry of England were bound to fight for their king and country by the lands which they held, yet the policy of our forefarhers thought it neceſſary to add all theſe further rewards of honorary diſtinctions and other emoluments, that they might perform their duty with more alacrity, and make themſelves equal to ſo high and important a truſt as the ſafety and glory of the nation. It may be truly ſaid, that the grants of the military fiefs gave *a body* to *chivalry*; and theſe inſtitutions *a ſoul*. Nor is it probable that without ſome encouragements of this nature, which raiſed and kept up in the military tenants a ſtrong martial ſpirit and ardour for the ſervice, they would ever have been ſuch good ſoldiers as we find they were, or would not, after ſome time, have degenerated, as other militias have done, into a force merely nominal, and of no more real uſe to the

ſecurity

ſecurity of the kingdom, than the ruſty armour and lances, hung up in old Gothic halls, rather as images of ancient proweſs, than inſtruments of preſent defence. But, from the methods here deſcribed, (wherein I think we may diſcover a deeper meaning, and better ſenſe, than is generally ſuppoſed) the feudal militia acquired a vigour and an energy, which no laws could give to it, and which can only be ſurpaſſed by the moſt exact diſcipline of regular armies, inured to war. Indeed it never quite ſunk, till *the ſpirit of chivalry* began to grow out of faſhion, and was even rendered the object of ridicule; a misfortune into which every ſpecies of heroiſm is apt to fall, from the near affinity that there is in morals, as well as in writings, between *the ſublime* and *the extravagant*; and from the proneneſs of human nature to undervalue that, which it finds to have been overvalued.

When the order of knighthood was accounted the higheſt honor, to be degraded from it was thought the moſt ignominious puniſhment that a gentleman could endure. This was done by the ceremony of taking from the delinquent the proper enſigns of knighthood, which had been given to him at his creation, namely, the ſword and gilt ſpurs. But I do not find any inſtance of ſuch a degradation in the times that I write of, except, perhaps, in the caſe of Henry de Eſſex, who, it may be preſumed from the words of a contemporary hiſtorian, was deprived of his knighthood, with the marks of infamy abovementioned, before he took the habit of a monk, in conſequence of his having been vanquiſhed in the duel with Robert de Montfort. V. Dicet. Imag. Hiſt. ſub ann. 1163.

It is of the higheſt benefit to ſociety, and what a wiſe government will endeavour, with all it's ſkill, to procure, that men ſhould not hope to be greatly honored, or reſpected, from the accidental advantages of birth or wealth, without perſonal merit. And this good did our anceſtors derive from the inſtitutions of which I am treating. They were taught, that not the higheſt hereditary dignities, nor the largeſt poſ-

ſeſſions

ſeſſions annexed to thoſe dignities, could entitle them to reſpect, without the order of knighthood and the practice of thoſe duties, which the rules of that order exacted from it's members; duties quite incompatible with indolence, with effeminacy, with any thing ſordid, or puſillanimous. Theſe inſtructions, when they met with good diſpoſitions, would naturally produce great effects: and whoever reads the ancient chronicles of England and France will find, that not only a general paſſion for military glory, and a moſt active courage, but ſome as fair and noble fruits of heroick virtue were raiſed, by this northern method of culture, as ever grew in the rich ſoils of ancient Greece and Rome. The *Black Prince*, who was entirely formed on the leſſons of chivalry, is alone a ſufficient proof of this aſſertion. I will add that the two laſt, who appear to have faſhioned themſelves upon the ſame model, and to have poſſeſſed in perfection all the virtues of their order, were, in France, the *Chevalier Bayard*, and, in England, Sir *Philip Sidney*. Indeed the idea of *honor*, in the ſenſe we underſtand it, as ſomething diſtinct from mere probity, and which ſuppoſes in gentlemen a ſtronger abhorrence of perfidy, falſehood, or cowardice, and a more elevated and delicate ſenſe of the dignity of virtue, than are uſually found in vulgar minds, ſeems to have ariſen from the notions of chivalry. But here lies the great difference between the inſtitutions of the Greeks and the Romans, and thoſe of which I am treating, in forming men to the ſervice of the publick: the education given to youth by the wiſdom of thoſe ſtates, the courſe of life it brought them into, and the ſeveral objects it held out to excite their ambition, tended no leſs to make them able ſtateſmen, than virtuous citizens and brave ſoldiers: but the precepts of chivalry, and the whole progreſs of knightly accompliſhments, had little regard to the improvement of the intellectual faculties. Good learning and the arts of policy were ſo far from being ſtudied with a proper application, that they were generally left to clergymen, as derogatory from the noble

noble profeſſion of arms: and even the armies of thoſe times had in them much leſs of a ſtrict and regular diſcipline, than of diſorderly valour and impatience for action, which, together with the diverſity and uncertainty of the commands to which they were ſubject under different feudal lords, and the frequent quarrels of thoſe lords, produced great confuſion; and often occaſioned their defeat, and the miſcarriage of their enterpriſes. It is alſo evident, that the multitude admitted to knighthood diminiſhed it's dignity, and made it impoſſible that *the moral rules of the order* ſhould be generally obſerved.

Whether in the times of which I write we had any *knights bannerets* is not very clear. The name does not occur in our hiſtories or records before the reign of Edward the Firſt. But Ducheſne has publiſhed a liſt of French bannerets in the time of Philip Auguſte, where thoſe of Normandy, Anjou, and the other dominions of the houſe of Plantagenet are ſet down. It is more than probable that they enjoyed the ſame dignity in the reign of King Henry the Second, the latter part of which coincides with the firſt years of the monarch above-mentioned. In reality, this was not a new order of knighthood, but only a higher rank, conferred by the ſovereign, or by the general of a royal army, on ſome of that order, who were richer than others, and were followed into the field by a greater number of vaſſals. The nature of it, and the manner in which it was given, will beſt appear by the following inſtances from hiſtory and records. When Sir John Chandos was in Spain with *the Black Prince*, juſt before the battle of Novarret, fought to reſtore Don Pedro to the throne of Caſtile, he came to the prince, and delivered into his hands his own banner folded up, with theſe words: "My Lord, here is my "banner, which I preſent to you thus; that it may pleaſe you "to unfold it, and give me leave to ſet it up in the battle to "day. *For* (God be thanked) *I have very ſufficient means in "land and inheritance to ſupport the ſtate and expence it re-"quires.*" The prince and the king of Caſtile, who ſtood by him,

See Froiſſard Chron. and Selden's Tit. of Honor, par. ii. c. 5. Sect. 39.

him in the field, unfolded the banner and returned it open to Chandos, ſaying to him theſe words: "Sir John, here is your "banner! May God aſſiſt you to gain honor with it by your "valiant actions." He then went back with great joy to his people, and ſaid to them, "My fellow-ſoldiers, behold! here "is my banner, and your's, if you will guard it, as you ought." They received it very gladly, ſaying, that, by the help God, and St. George, they would guard it bravely, and do their duty. After which it was left in the hands of William Alery, an Engliſh eſquire, who bore it in the fight with great valour.

I cannot conclude this ſubject without taking notice of a ſtrange inconſiſtency, that, in an age which hallowed and conſecrated knighthood, a ſynod aſſembled in England, under William the Conqueror, ſhould injoin every knight, or military tenant, who had been with that monarch at the battle of Haſtings, to do penance during one year, for every man whom he knew he had ſlain there, and during forty days, for every man whom he knew he had ſtruck, and if he was ignorant of the number whom he had ſlain or ſtruck, to do penance, at the diſcretion of the biſhop of the dioceſe, one day in every week as long as he lived; or (if he were able) *redeem it with perpetual alms, by building or endowing a church.* This alternative was, I preſume, the real motive, that induced them to be guilty of ſuch a glaring abſurdity, as to inflict theſe penances upon ſoldiers, for killing or ſtriking their enemies, in the proſecution of a war, which they themſelves admitted to be lawful; without even excepting thoſe, *who*, they ſay in the preamble to theſe very canons, *did of right owe military ſervice to William Duke of Normandy.* But there is one of theſe canons, which, for the benefit of mankind, I wiſh were received by all nations. It is the ſixth; which ſays, "*Let thoſe who fought only for hopes of a reward* (that is, without being authoriſed by their duty to their ſovereign or their country, and having no regard to the cauſe they fought for) *know, that they ought to do penance as for murder.*"

See Spelman's Councils, vol. ii. p. 12.

Some

Some mention has before been incidentally made of tenures *in frank almoign* and of tenures *in ſoccage*; which it will be neceſſary to explain more particularly here. Lord Coke ſays, "no *lay perſon can hold in frank almoign:*" and according to Lyttelton, upon whom he comments, "a tenant *in frank* "*almoign* is where an abbot, or prior, or other man of reli- "gion, or of holy church, holdeth of his lord in *free alms.*" With regard to the ſervice required by this ſpecies of tenure the ſame author tells us, "that they which hold in *frank* "*almoign* are bound before God to make oriſons, prayers, "maſſes, and other divine ſervices for the ſouls of their grantor "or feoffer, and for the ſouls of their heirs which are dead, "and for the proſperity, and good life, and good health of "their heirs which are alive. And therefore they ſhall do "no fealty to their lord, becauſe that this divine ſervice is "better for them before God than any doing of fealty; and "alſo becauſe the words *frank almoign* exclude an earthly or "temporal ſervice." This paſſage itſelf is a proof, how neceſſary it was to reſtrain the zeal of our anceſtors from too many grants of this nature, by the ſtatute of *mortmain*.

See Coke's Inſtit. vol. i. c. 6. l. ii. ſect. 133, 134.

Under the government of the Saxons all the biſhops of England, and ſuch abbots and priors as held their lands of the crown, held by this tenure; and in the firſt part of this work it has been obſerved, that the changing thoſe eſtates into baronies ſubject to homage and fealty, and held of the king by knight-ſervice, was an important alteration made by William the Firſt and his parliament, in the Engliſh conſtitution. But it has likewiſe been remarked, that it was not underſtood in the ſenſe of the law, that theſe ſpiritual barons, becauſe their lands were thus charged with a military ſervice, were bound to perform that ſervice perſonally, like the temporal barons. They were either to find other men to do the duty for them, or to pay fines to the king; as appears by this record, which is cited by Madox, in his hiſtory of the Exche-

quer: "King Edward the Second had ſummoned his army "to march againſt Scotland, and had ordered proclamation to "be made, that all perſons, of whatever ſtate or condition, "who owed him ſervice in his army, ſhould be ready to at- "tend him in perſon. Nevertheleſs by his writ he com- "manded the treaſurer and barons of the Exchequer to ac- "cept of *fines* at the rate of forty pounds for a knight's-fee, "to be paid to the king's uſe, by *archbiſhops*, *biſhops*, *religious* "*perſons* (id eſt, *abbots and priors)* widows, and other women "who owed ſervice in that army, and were deſirous to pay "fines inſtead of performing it, *or ſending others to do it for* "*them.*" Sir Thomas Lyttelton alſo ſays, in his book upon Tenures, often quoted before, *that an abbot, or any other man of religion or a woman ſole that holdeth by ſuch ſervices, ought not to go in proper perſon.* It would certainly have been indecent for any eccleſiaſticks to be obliged to bear arms; and the putting them, in that reſpect, upon the ſame footing as women poſſeſſed of knight's-fees was agreeable to the wiſdom and decorum of the law: but there was no impropriety in their being required to find the king, of whom they held their baronies, either ſoldiers or money in lieu of their perſonal ſervice; nor in their vaſſals being bound to ſerve him in perſon. Yet they perpetually endeavoured to confound this diſtinction; as if the functions of all who belonged to them had been as ſacred as theirs; and as if their very lands had partaken of the holineſs of their ſpiritual character. On the other hand, they ſometimes did *perſonal ſervice*, notwithſtanding the canons which the church had made againſt it, and though they might have acquitted themſelves of their duty to the ſtate, by the means abovementioned. As ſeveral biſhops were younger brothers of the moſt noble families, the martial fire in their blood, the example of their relations, and the ſpirit of the times, prevailed over the decencies of their profeſſion, and the biſhop was loſt in the baron.

With

With reſpect to tenure in ſoccage, Sir T. Lyttelton ſays, "that every tenure, which is not tenure in chivalry, is a te-"nure in ſoccage." But he gives this definition, becauſe he reckons grand ſerjeanty a tenure in chivalry, which (as hath before been obſerved) muſt be underſtood with ſome reſtrictions. The ſame author likewiſe tells us, "that tenure in ſoccage is "where the tenant holdeth of his lord the tenancy by *certain* "ſervice, *for all manner of ſervices*," excluding only knight-ſervice. Which deſcription is too extenſive for the derivation he afterwards gives of the word ſoccage, from *ſoca*, a plough, though that is founded upon an authority as old as the reign of Henry the Third. Sir H. Spelman obſerves, from the ancient book of St. Alban's, that *ſocmen* (or tenants in ſoccage) ſignified *freemen* in the genuine ſenſe of the word. All the king's *tenants in ancient demeſne* held of him by ſoccage tenure: but that all theſe did not hold by *the ſervice of the plough* the unqueſtionable evidence of Domeſday-book will evince. In Glanville's treatiſe frequent mention is made of *free ſocmen*, and from what that author ſays relating to them (of which I have given ſome account) it is plain that their property and rights of inheritance were taken no leſs care of by the law in his times, than thoſe of tenants by *knight-ſervice*; though the latter was the higher and more honorable ſervice. Nay, in ſome points it appears that they had more liberty than the military tenants, that is, the feudal bonds were leſs ſtrict upon them and their families. Yet in Domeſday-book they are diſtinguiſhed from other free tenants, called there *liberi homines*, by not having the power, which theſe enjoyed, of giving away, or ſelling, their eſtates, without leave of their lords. It ſeems that theſe *liberi homines* were a remainder of the *alodial* tenants of the Saxon *folkland*, that is, land of the vulgar, oppoſed to *bocland*, or *thaneland*. A certain number of them was neceſſary to conſtitute a manor; and therefore, when that number was incompleat, ſome who held in villenage were en-

See Coke's Inſtit. vol. i. of Soccage, c. 5. ſect. 118. l. ii. p. 86. and lib. ii. c. 8. ſect. 158.

V. Gloſſary, SOCMAN.

franchiſed, to make it up; as appears by the teſtimony of the record abovementioned. We alſo find there, that ſome who were in poſſeſſion of this *alodial freedom* thought it more eligible to ſeek a defence and protection, by recommending themſelves to the *patronage* of ſome feudal lord, or even of two lords, if the ſituation of their lands made it neceſſary for them to have two protectors. It is probable that this practice, becoming more general, in proceſs of time put an end to this ſpecies of tenure. The ſervices which were performed by them to the lord of the manor, in their alodial ſtate, were predial and ruſtick. A certain number of *free ſocmen* (as well as theſe) appears to have been neceſſary to every lord of a manor, for holding the pleas of the manor court, which the Saxons called *ſoke* or *ſoc*, a word ſignifying a franchiſe, or juriſdiction to which a franchiſe was annexed. And it is from this that ſome derive the terms ſocmen and ſoccage, with great appearance of truth. Some of the lands held in ſoccage were held by *baſe ſervices*, and *at the will of the lord:* but the definition given of it by Lyttelton, and by others of the greateſt authority, excludes from it all tenures where the ſervice was *uncertain*. Among the legatine canons made at London, by the biſhop of Wincheſter, in the reign of King Stephen, I find one which ſays, *That the plough and huſbandman in the fields ſhould enjoy the ſame peace as if they were in the church-yard.* This ſanctuary given to the tillers of land in their own grounds would have been of great benefit to the publick, if duly regarded. But the civil war paid little reſpect either to ſpiritual or temporal law. According to Lyttelton *burgage tenure* was one kind of ſoccage, but with *various cuſtoms*, which it will not be neceſſary to enlarge upon here, nor to explain the *local cuſtoms* attending the Kentiſh *Gavelkind*, or any other peculiarities which did not affect the general policy of the kingdom. I ſhall conclude this account of the two great diviſions of property, during the times that I write of, into knights-

See Domeſday book.

See Spelman's Gloſſ. Soc. Fleta, l. i. c. 47. Somner on Gavelkind, f. 133. See Coke's Inſtit. vol. i. c. 5. l. 2.

Spelman's Counc. vol. ii. P. 47.

L. ii. c. 10. ſect. 162. 165, 166, 167, 168, 169. See alſo Craig. Jus Feudal. p. 121.

knights-fees and ſoccage tenures, with remarking how materially our conſtitution was changed by the ſtatute of the 12th of Charles the Second, which declared *that all tenures by knight-ſervice of the king, or of any other perſon, and by knight-ſervice in capite, and by ſoccage in capite of the king, and the fruits and conſequences thereof, ſhall be taken away or diſcharged; and that all tenures of any honors, manors, lands, tenements, hereditaments,* &c. *are turned into free and common ſoccage:* thus extending that tenure, which, for ſeveral ages, was reckoned comparatively mean and ignoble, to all the eſtates of our nobility and gentry, who would have antiently thought it the greateſt injury and diſhonor, to have had their poſſeſſions ſo levelled with thoſe of the vulgar. Yet to this change, which a gradual alteration of manners and juſter notions of government had prepared us to receive, is owing much of the happineſs of our preſent condition. But at the ſame time it has obliged us to ſeek for other methods of giving a military ſtrength to the kingdom conſiſtent with our monarchy, and not dangerous to our freedom: a matter of no little difficulty; but which, if brought to perfection, would ſecure and perpetuate the advantages, which we have over our anceſtors, in the civil policy of the kingdom.

After this general view of the ſtate of the nobility, gentry, and freeholders, under the kings of whoſe government this hiſtory treats, it will be proper to give likewiſe ſome account of thoſe perſons, to whom the national liberty did not extend, though in reſpect to their numbers they were no inconſiderable part of the people.

In Domeſday-book, that great record of the ancient ſtate of this kingdom, a diſtinction is made between *villeins* who were affixed to a manor, and others of ſtill a lower and more ſervile condition, diſtinguiſhed by the names of *bordarii*, *cotarii*, and *ſervi*; the two firſt of which ſeem to have rented

V. Spelman's Gloſſ. BORDARII, COTARIUS, SERVUS, NATIVUS.

rented ſmall portions of land, and the laſt to have been hinds, or menial ſervants abiding in the families of their lords, According to Spelman theſe were again ſubdivided into *nativi* (ſlaves by birth) and *bondi* (freemen who had voluntarily and by *bonds* which they had given, put themſelves into ſervitude, for the ſake of a maintenance.) Yet in other places he gives the appellation of bondmen to all below the degree of *ceorls* or *free ſocmen*. And it muſt be obſerved, that in Glanville the *nativi* are comprehended under the term *villenagium*, which is uſed by that author ſynonimouſly with *ſervitude*, and in oppoſition to *freedom*; as a *ſtate*, not a *tenure*. His whole fifth book relates to this ſubject, and contains the methods and forms of law which then were in practice, for the deciſion of diſputes between different lords concerning their rights to a villein, or where a perſon who was in villenage *(in villenagio poſitus)* or was claimed as a villein, aſſerted himſelf to be free. The trial was required to be in the king's court, and the proof, by producing in court the neareſt relations to the perſon ſo claimed, or ſo demanding his freedom, and proving their condition. If it appeared that they were free, he was freed; but if a diſpute or doubt aroſe concerning their liberty, or whether thoſe produced, on either ſide, as the neareſt relations, were in fact ſo or not, recourſe was had to a jury of the neighbourhood, to try the fact, that it might be determined by their verdict, according to which the judgement was to be given. If a free woman was married to *a villein by birth*, ſhe loſt her freedom during the life of her huſband, and their children were born to the ſame ſtate of ſervitude, which was continued to all the ſucceeding generations, unleſs their lord enfranchiſed them by his own act. Nay, we are told by Glanville, that, in his time, if a freeman married a woman born in villenage, and who actually lived in that ſtate, he loſt thereby the benefit of the law (that is, all the legal rights of a free-

See his treatiſe on Feuds and Tenures, c. 5. 7.

V. Glanville, l. v. c. 6.

Ibidem.

a freeman) and was conſidered as a villein by birth, during the life-time of his wife, on account of her villenage. He ſays alſo, that if a man born in villenage had children by a woman born in the ſame ſtate, under a different lord, the children ought to be equally divided between the two lords. This was abſolutely putting children upon the ſame foot as cattle, or other ſtock on a farm, without the regard that is due to the inherent freedom and dignity of human nature.

According to Glanville, a villein might be infranchiſed ſeveral ways. As, for inſtance, if his lord, being willing to give him his liberty, had proclaimed him free from all right that he or his heirs might have to him, or had given or ſold him to another, *in order to his being infranchiſed.* But he ſays, that no villein could acquire his freedom with his own money: for, notwithſtanding his purchaſe, he might, according to the law and cuſtoms of the kingdom, be brought back into villenage: becauſe all the goods of a villein born belonged to his lord, and therefore from him he could not redeem himſelf with his own money; but with that of another man he might be redeemed, and maintain his freedom for ever againſt his lord." The ſame author ſays, "if a villein born had remained quietly (that is, unclaimed by his lord) a year and a day, in any *privileged town*; ſo that he had been received into their community or *gyld*, as a citizen, he was thereby freed from his villenage." By *privileged town* is meant a town that had franchiſes by preſcription or charter; and this communication of liberty from thence to a villein, reſiding among them ſo ſhort a time, ſhews a high regard in the law to ſuch corporations, and likewiſe a deſire to favour infranchiſements, as much as the ſettled rules of property would admit. According to Bracton, a quiet reſidence, of a year and a day, upon the king's demeſne lands, would alſo enfranchiſe a villein who had fled from his lord. In one of the laws of

L. v. c. 5.

Ibidem. See alſo Leges Gul. Conq. 66. Wilkins, p. 229.

See Wilkins Leges Gul. Conqueſt. 65. p. 228. & 229.

William the Conqueror, it is ſaid, "If any one is willing to "free his ſlave, let him deliver him by his right hand to the "ſheriff, in the full county court, and proclaim him diſ- "charged by manumiſſion, from the yoke of his ſervitude; "and let him ſhew him the doors open and his way free, and "put into his hands *the arms of a freeman*, namely, a lance "and a ſword: which being done, he is made a freeman." This ceremony is remarkable; as it ſhews that, in England, during the times I write of, the bearing of ſuch arms was a privilege ſo confined to freemen, that the imparting it to a ſlave was a mark of infranchiſement. It is obſerved by Glan-

L. v. c. 5.

ville, "that, altho' any perſon might make his ſlave (or vil- lein born) a freeman, *with reſpect to himſelf and his heirs, with reſpect to others he could not.* For, if any ſuch villein, ſo freed, was brought into court, to hold any plea againſt a ſtranger, or *to wage law*, (that is, to purge himſelf or others by oath) he might be juſtly removed from thence, if his birth and ville- nage were objected to him and proved in court, even tho' he had been made a knight after having been ſo infranchiſed." One may learn from this paſſage, how great a jealouſy there was in the law of thoſe times, with regard to judicial proceed- ings, when it went ſo far, as to exclude from them any man born in ſervitude, though he had not only obtained his free- dom, but even the high dignity and honor of knighthood.

L. i. c. 6. p. 5.

According to Bracton, a ſlave infranchiſed might be deprived of his liberty, and brought back to his former ſervitude, for ingratitude to his maſter. But from the ſame author we learn, that the lives and limbs of ſlaves were under the protection

L. i. c. 9.

of the king; ſo that if a lord killed his ſlave, he would not be leſs puniſhed, than if he killed any other perſon. The chaſtity of female ſlaves was likewiſe protected from all vio- lence, by the law of thoſe times; and the goods of perſons in villenage were ſecured againſt all others, except their lords. Theſe were ſome mitigations of a ſtate that would otherwiſe have

have been inſupportable; but, upon the whole, the condition of the villeins in this kingdom was worſe than that of the ſlaves among the ancient Germans: for thoſe (as Tacitus tells us) had houſes of their own, given to them by their maſters, which they governed at their own pleaſure, only paying to their maſters a rent of corn, or cattle, or cloaths, without yielding to them any further obedience or ſervice. Nor, in Germany, was the domeſtick or menial ſervice in families performed by ſlaves (as among the Romans) but by the wives and children. Indeed the German and Gothick nations, in this and many other inſtances, ſhewed more humanity and regard to natural juſtice, than the Romans, who called them *Barbarians*. But how it happened that in England the Saxons departed ſo much from the ancient lenity of their country, in the treatment of their ſlaves, I cannot tell. Certain it is, that the Normans did not introduce this kind of ſervitude into England. There is a remarkable law of Alfred the Great, which enacted, " That whoever *bought* a Chriſtian ſlave " ſhould give him his freedom *gratis*, at the end of ſix years. " And he was to depart with the cloaths he had brought with " him, and with his wife, if he was married when he came to " his lord. But, if his lord had given him a wife, ſhe and " the children he had by her are declared to belong to his " lord. If he refuſed to go away, becauſe he was unwilling " to part with *them* or his *heritage* under his lord, then his " lord was to lead him to the door of the church, and bore " his ears, as a mark, that from thence-forward he ſhould al- " ways remain his ſlave." It alſo appears by another ſtatute of the ſame king, " that a freeman might ſell his daughter to another, as a ſlave; but ſhe was not to be in all reſpects upon the foot of other ſlaves: nor could her father ſell her to any body *out of the kingdom*. If her maſter was not pleaſed with her after he had bought her, he was to infranchiſe her and let her go to ſome foreign country. But, if he permit-

V. Tacitum de moribus Germanorum.

Tacitus, ut ſupra.

V. Leges Ælfredi, apud Wilkins, Leg. 11.

V. Leg. 12.

ted his ſon to have her for a concubine, he was to make her apreſent, and ſee that ſhe was well cloathed, and, as a compenſation for the loſs of her chaſtity, pay her a marriage portion: which, if he did not perform, ſhe was made free." I need not obſerve that the ſuffering a parent *to ſell his daughter into ſlavery*, under any regulations, was a bad and barbarous cuſtom. It was probably allowed for the ſake of eaſing poor families of too great a burthen of children, which n many countries has occaſioned much cruelty and injuſtice. What in theſe ſtatutes was prohibitory, and favourable to ſlaves, did not extend to reſtrain or lighten the ſervitude of captives taken in war, of whom, and of whoſe poſterity, the greater part of the domeſtick, or predial ſervants, among the Saxons, undoubtedly was compoſed. In the collection of laws enacted by King Canute, there is one which frees a ſlave, whoſe maſter had obliged him *to work on a holiday*, beſides puniſhing the offence by a fine or mulct to the king. But it may be queſtioned whether this was the effect of humanity, or merely of ſuperſtition. The laws and policy of the Normans were favourable to infranchiſements; ſo that in, and after the times, of which I write, the number of ſlaves muſt have continually decreaſed in England; but yet, as in Lyttelton's Tenures, which were written during the reign of King Edward the Fourth, there is a whole chapter concerning the ſtate of perſons in ſervitude, it is evident that many ſuch were ſtill remaining in thoſe days. The practice of infranchiſements growing afterwards more and more frequent, thoſe who before had held in villenage became copyholders, and the domeſtick or predial ſlaves were made free ſervants and labourers: ſome even obtained freeholds; and at length all remains of the ancient ſervitude were aboliſhed. Nor is this a light difference in the comparative excellence of our preſent conſtitution above our ancient, and even above the admired governments of Greece and Rome. For, ſurely, whatſoever

V. Leg. Canuti 69. Wilkins.

ſoever diſhonors human nature, diſhonors the policy of a goverment which permits it: and a free ſtate, which does not communicate the natural right of liberty to all it's ſubjects, who have not deſerved by their crimes to loſe it, hardly ſeems to be worthy of that honorable name.

In the times of which I write every county was divided into hundreds and tythings, which laſt were compoſed of ten freeholders with their families, who were all pledges to the king for the good behaviour of each of them, and obliged, if any perſon, comprehended in the tything, had committed a crime, to bring him to juſtice, or purge themſelves, by the oath of the chief man of the tything, both of the guilt of the fact, and of being parties to the delinquent's eſcape. Every maſter of a family was alſo made a pledge for the good behaviour of his houſhold, in which deſcription it appears that all his villeins were contained. The firſt author of this remarkable plan of *police*, which has been mentioned with laviſh praiſe by ſome hiſtorians and lawyers, was King Alfred the Great. Notice is taken of it in the laws of other Saxon kings, particularly in ſome aſcribed to Edward the Confeſſor, which are quoted by Bracton, l. iii. c. 10. and upon his authority I incline to think, that ſo much of that compilation, as concerns this matter, is genuine; though other parts of it are not. The law of *frank pledge* was confirmed by particular ſtatutes of William the Conqueror; and we have one of Henry the Second, which ſays, "That it ſhall not be lawful for any perſon in a borough or town to lodge in his houſe any ſtranger, whom he would not put under pledge, above one night, unleſs ſuch ſtranger had a reaſonable cauſe to alledge for his ſtay, which his hoſt was required to declare to the neighbours; and the gueſt, when he departed, was not to go off, but in their preſence, and by day." This exceeded the rigour of the ancient Saxon laws, which allowed two nights to a gueſt, without being put under pledge. I will ſay no more on this ſubject, but that theſe and other

V. Leg. Gul. I. Wilkins, l. lxix. & Ibidem, p. 218. V. Aſſiſ. H. II. factæ apud Clarend. & renovatæ apud Northantune, Leg. 4.

regulations relative to it, which need not be mentioned here, were much too ſtrict a reſtraint on the intercourſe of commerce and ſocial life in quiet times, though they were an admirable ſecurity againſt crimes and diſorders; and might be neceſſary in thoſe ages when they were eſtabliſhed or enforced.

Of the juriſdiction of the county or hundred courts, and of the king's court, in which preſided the great juſticiary of England; as likewiſe of the methods of trial then in uſe, and of the criminal law of this kingdom from the earlieſt times to thoſe of Henry the Second incluſively, I ſhall treat in another place, when I conſider the inſtitution of annual circuits to be made by itinerant juſtices, and the ſtatutes enacted by that prince at Clarendon and Northampton.

It is remarkable, that, during the life-time of King Henry the Second, the Pandects of Juſtinian were diſcovered at Amalphi; and in emulation thereof compilations were made of the canon and feudal laws, at Bologna and Milan; and the firſt treatiſe upon the Engliſh laws was written in England: ſo that this age, however barbarous in other reſpects, made great advances in juriſprudence, the chief light and perfection of civil ſociety.

See Giannoni Hiſt. de Napol. l. xi. c. 2.

The Code, the Novellæ, and the Inſtitutes of Juſtinian had indeed been read and explained in the ſchool of Irnerius at Bologna, before the Pandects were found by the Piſans at Amalphi, when that city was taken by them, in the year eleven hundred and thirty ſeven: and in France there were ſome copies of the Pandects themſelves, as appears by citations from them in Ivo de Chartres antecedent to that time: yet the publication of this moſt ancient and authentick copy of them in Italy, where no other remained, gave a new ſpirit to the ſtudy of the Roman civil laws, in that country firſt, and very ſoon afterwards, in all parts of Europe. About fourteen years from the taking of Amalphi, viz. in the year eleven hundred and fifty one, under the pontificate of Eugenius the Third,

Third, Gratian, a Benedictine monk at Bologna, publiſhed his *Decretum*, which was compoſed on the model of the Pandects, being a compilation, or digeſt, of the whole canon law, as thoſe were of the civil law. And, as thoſe contained a collection of the anſwers and opinions of all the greateſt Roman lawyers, ſo did this of the opinions, decrees, and judgements of fathers, doctors, popes, and councils. Thus far it was eaſy to carry imitation: but the Pandects are admired, by the moſt judicious criticks, for their accuracy, clearneſs, and elegance: whereas the *Decretum* is a confuſed, immethodical compilation, full of errors and forgeries. Yet as it was calculated to promote the power of the church, and particularly of the papacy, the applauſe it met with from the clergy and the ſee of Rome was ſo great, that it ſoon obtained an authority ſuperior to all the former collections, and became the great code of eccleſiaſtical law, on which the popiſh hierarchy ſupported their enormous pretenſions. Such an union was alſo formed between the civil and canon laws, though in many points very different, that, (to uſe the words of a learned writer) *they coaleſced into one ſyſtem and conſonance, and were ſo tied together, and in ſo near a degree of relation, that the one could not ſubſiſt without the other:* for which he gives this reaſon, "that the canon law was originally derived "from the imperial conſtitutions; and that whatever is moſt "excellent in it cannot be denied to have flowed from the "civil law." Certain it is, that theſe laws, in the age I write of, and long afterwards, afforded a mutual ſupport to each other; the profeſſors of both were the ſame; and it was neceſſary for any clergyman, who deſired to riſe in the church, to be a civilian and a canoniſt.

V. Craig. Feudor. l. i. tit. 3. p. 23.

Craig, ut ſuprà.
Giann. l. xiv. c. 3.
Father Paul De rebus beneficiariis.

V. Arthur Duck de Auctoritate juris civilis Rom. c. 7. p. 98.

There is a remarkable paſſage in one of the epiſtles of Peter of Blois, which Mr. Selden has taken notice of, in his diſſertation upon Fleta. The words are theſe: "In the houſe "of my maſter, the archbiſhop of Canterbury, there are a "ſett of very learned men, expert in all the rules of juſtice, "as

V. Seld. Diſſert. in Flet. p. 1094, 1095. laſt edit. of his works, vol. iv.

" as well as other parts of prudence and knowledge. It " is their conſtant cuſtom after prayers and before they dine, " to exerciſe themſelves in reading, in diſputations, and *in* " *the deciſion of legal caſes. To us all the knotty queſtions of the* " *kingdom are referred*; which being brought forth into the " auditory, where all the company aſſembles, every one, " according to his rank, whets his underſtanding to ſpeak " well, without wrangling or obloquy, and with all the acute- " neſs and ſubtilty that is in him, declares, what he thinks " the moſt prudent and ſound advice. And if it pleaſes " God to reveal the beſt opinion to one of the loweſt among " us, the whole aſſembly agrees to it without envy or de- " traction." The perſons who held theſe aſſemblies in the archbiſhop's palace, and to whom *the moſt knotty queſtions of the realm were referred*, were probably clergymen and civilians. But it muſt be obſerved, that, in this age, clergymen were alſo *common lawyers*; many prelates were employed by the king as his juſtices, and William of Malmſbury ſays, that, in the times when he wrote, *there was hardly an eccleſiaſtick who was not an advocate.* The queſtions referred to them might be alſo of a political kind, concerning the general laws of nations, the rights of embaſſadors, the obligations and conſtructions of treaties, and all the rules of peace and war. Nevertheleſs I do not doubt, that, under the government of Henry the Second, the civil law interwove itſelf, to a certain degree, into the ſyſtem of Engliſh juriſprudence. The real excellence of many of its rules and deciſions, in caſes of private property, muſt have greatly recommended it to ſo inquiſitive and judicious a prince, and to thoſe who held the chief offices of judicature in his kingdom. But I ſhall have occaſion to obſerve, during the courſe of this hiſtory, that, in the puniſhment of offences againſt the ſtate, there is reaſon to think their regard to this law was carried much too far, and made them deviate in ſome inſtances from the genius and principles of the Engliſh conſtitution, to the great prejudice

V. Malmſb. l. iv. de W. II. f. 69. 2. 10.

prejudice of natural juſtice. Yet that, in other points, the law of England received great improvements, by the ingraftments made from the civil law, as well in this reign, as under many ſucceeding kings, can, I think, no more be diſputed, than that it was a wiſe jealouſy and caution in the parliament, under ſome of thoſe kings, to prevent it from acquiring too great an authority, and encroaching too much on the common law of England; eſpecially in matters relating to government and the liberty of the ſubject.

About the year eleven hundred and ſeventy, a compilation of the feudal laws, as practiſed in Lombardy, was publiſhed at Milan in two books, by two ſenators and conſuls of that city, Gerardus Niger, and Obertus de Odo. In imitation of the *Pandects*, they contain the opinions of lawyers, on queſtions concerning the feudal cuſtoms, with ſome imperial conſtitutions relating to feuds. They were long afterwards divided into five books by Cujacius, their beſt commentator; before whoſe time they had obtained ſo great an authority in many countries of Europe, that they were received in courts of juſtice as parts of the civil law. The learned Craig aſcribes this authority to imperial conſtitutions contained in them, or by which they were confirmed: but Du Moulin, Giannone, and others ſay, that, like the books of Juſtinian, they acquired by degrees the force of laws, from uſage, from the approbation of the people, and from the tacit conſent of princes, who permitted them to be publickly taught in univerſities, enriched with commentaries, and cited in tribunals, for the deciſion of cauſes. It does not appear that in England any ſuch regard was paid to them; though in many points our laws were ſimilar, as being derived from the ſame principles, and directed to the ſame ends. Yet it is not improbable, that even in the latter times of King Henry the Second, and ſtill more in the next century, ſome parts of the Engliſh laws, concerning feudal eſtates, may have been regulated according to their deciſions, by the ſtatutes then made,

V. Craig. Feudor. l. i. tit. 6. p. 46, 47.

P. 49, 50.

and

and, in the determination of doubtful caſes, by the opinions of the judges.

Feudor. l. i. tit. 6.

It is a notion of many eminent writers, that the whole ſyſtem of feuds was derived from the Lombards. Sir Thomas Craig, one of the beſt who has ever treated that ſubject, ſeems to incline to this opinion, and ſays, that the Lombards, after they were ſubdued by Charlemagne, not only retained their ancient cuſtoms, but, at the return of that emperor, into France, tranſmitted them with him into the furtheſt parts of that kingdom: he might have added, into Germany, and other parts of the empire, where they alſo prevailed at that time. But others aſcribe the origin of the feudal cuſtoms to the Franks, and ſome to the Goths. I would obſerve, that if they were really confined to Lombardy till that country was ſubjected to Charlemagne, as the Anglo-Saxons had ſettled themſelves in Britain ſome ages before that event, the cuſtoms they brought with them, and eſtabliſhed in this iſland, could not have been feudal. But, in truth, all the German nations, the Saxons, the Franks, the Lombards, the eaſtern and weſtern Goths, had ſome general notions of the feudal policy, which were gradually ſyſtematiſed, and brought into that ſtate, which we find eſtabliſhed in the empire under Conrade the Salick, and in France under Hugh Capet.

See Madox Baronia, p. 279. Sir W. Temple Eſſays.

See Spelman on Feuds and Tenures, c. 2. p. 5.

Feudor. l. i. tit. 4.

C. iv.

C. vi.

Sir Thomas Craig has diſtinguiſhed four ſtates of the feudal law, it's infancy, it's childhood, it's adoleſcence, and it's maturity. To the firſt he aſſigns the times between the firſt overflowings of the northern nations, and the year ſix hundred and fifty: to the ſecond the times, in which fiefs, that before were annual, or at moſt for life, were extended to the ſons of the vaſſal, and no further; viz. from the year ſix hundred and fifty to the year eight hundred, when Charlemagne was crowned emperor. The third ſtate, on the authority of the books of feuds abovementioned, he reckons to have continued from the times of Charlemagne to thoſe of Conrade the Salick, during which he ſays that the greater and leſſer vaſſals had

begun

begun to uſe the farms, or lands, granted to them, as their own; and, though they were not the true lords of them, yet they acted as if they were, being almoſt ſecure of the will of their lords, provided they performed the ſervices agreed on between them. He alſo takes notice that Charlemagne was the firſt, who, by particular grants, changed ſome benefices into feuds, that were permitted to deſcend to the eldeſt ſons of the vaſſals; but ſays, that neither in his reign, nor for ſome years afterwards, did ſuch inheritances become a general law; but were rather particular privileges, the number of which was much encreaſed under his grandſon Lotharius, yet ſtill without the authority of any law: yet Conrade the Salique made one, about the year one thouſand and twenty eight, which not only confirmed the inheritance of fiefs to the ſons and grandſons of the vaſſals, but permitted one brother to ſucceed to another in his paternal eſtate. With this conſtitution therefore Sir Thomas Craig concludes the third ſtate of feuds, having before obſerved that in France a law had been made by Hugh Capet, which perpetuated the ſucceſſion to fiefs in the firſt degree; and that both the vaſſals of the king, and thoſe who held of them, poſſeſſed their fiefs, not precariouſly, nor at the will of another, but by a right eſtabliſhed in themſelves. The fourth ſtate, or maturity of the feudal law, he extends from the abovementioned epoch, viz. the conſtitution of Conrade the Salick, made in the year one thouſand and twenty two, beyond the times of which I write; when, by a gradual extenſion of the feudal rules of inheritance, feuds were permitted to deſcend to collaterals, as far as the ſeventh degree. It muſt be obſerved, that, before the publication of the Books of Feuds at Milan, ſome parts of the feudal law had been committed to writing, by the orders of the Emperor Frederick, ſurnamed Barbaroſſa, who was the firſt that had reduced them to any form or rule: but I do not find that the Books of Feuds received any ſanction from the authority

C. vii.

Vid. Radevicum, l. i. c. 7.

V. Radev. de geſt. Frederic. l. ii. c. 5.

of that prince; whereas we are aſſured thar he greatly favoured the ſtudy of the Pandects and other books of the imperial law; and that the profeſſors of that law were conſulted by him in his moſt important deliberations. Unhappily for him, one of theſe doctors, named Martin, maintained a theſis, at Roncaglia, againſt another, named Bulgarius, in which he aſſerted, that the Roman emperor, was, by right, the abſolute maſter of the whole world, and of all the goods of particulars, ſo that he might diſpoſe of them at his pleaſure. This moſt abominable doctrine he drew from ſome parts of the imperial laws, and particularly from ſome words of Ulpian ill-underſtood: but though his adverſary, who was profeſſor of the civil law at Piſa, endeavoured to vindicate that law from the imputation of ſo deſtructive a principle, the flattering doctor prevailed: his opinion was confirmed by a majority of profeſſors, and Bartolus, one of the moſt celebrated commentators on the books of Juſtinian, declares it to be a *hereſy* to contradict or deny it. In conſequence of this judgement Frederick ſet up ſuch claims of univerſal and deſpotic authority, that, though in all other reſpects an excellent prince he juſtly raiſed in the Lombards and other people of the empire ſuch an alarm for their liberties, and in other kings ſuch a jealouſy, as proved very troubleſome and dangerous to him, but of great advantage to Rome, which headed the party of malecontents againſt him. Indeed, the extravagance of the papal pretenſions, in that age, would probably have occaſioned the downfall of the popes, notwithſtanding all the aid they drew from the ſuperſtition and ignorance of the times, if the almoſt equal extravagance of the imperial pretenſions had not given them a party, which joined with, and ſupported them, on political motives. But it muſt be obſerved, that whatever countenance the Roman laws, or the profeſſors of them, might afford to theſe claims of the emperor, the genius and ſpirit of the feudal laws were ſo abſolutely

See Giannoni, l. xii. c. 1.

V. Arthur Duck de Auctoritate juris civilis, l. i. c. 2. ſect. 11.

ſolutely contrary to them, that, without deſtroying thoſe laws, which then were eſtabliſhed over the greateſt part of Europe, and to the ſupport of which he himſelf had given a new ſanction in the aſſembly at Roncaglia, it was impoſſible for him to make them good.

The *Decretum* of Gratian and the Books of Feuds having been publiſhed in emulation of the *Pandects*, a treatiſe was alſo written, about the latter end of Henry the Second's reign, on the laws and cuſtoms of England, not profeſſing to be a complete collection of all of them (which the author ſays, in his preface, would be impoſſible, from the confuſed multitude of them, and from the ignorance of writers) but to reduce to writing ſuch of them, as were in general and frequent uſe in the king's court. See Glanv. Proleg.

The title prefixed to this book in the printed edition of the year ſixteen hundred and four, and which I find agreeable to an ancient manuſcript in the Harleian library, Num. 746. ſays, *it was compoſed in the time of King Henry the Second, the illuſtrious Ranulph de Glanville, who of all in thoſe days was the moſt ſkilled in the law of the realm and the ancient cuſtoms thereof, then holding the helm of juſtice.*

From theſe words I infer, that this treatiſe was not written by Ranulph de Glanville himſelf, but by ſome clergyman, under his direction and care; I ſay by ſome clergyman, becauſe it is written in Latin, which could hardly be done by a layman in that age. The writer apologizes for the ſtyle of his work, from the neceſſity of uſing the terms of law, with a view to make it more inſtructive. But though, for this reaſon, the Latin is frequently impure, the ſtyle, in general, is clear, conciſe, and proper for the ſubject; and in method it far exceeds either the *Decretum* of Gratian, or the Lombard Books of Feuds. It is called by Lord Chief-juſtice Hale *that excellent collection of Glanville*; and certainly, if the matter of it was dictated by Glanville, and the writing ſuperviſed, the V. Proleg. Glanville. C. vi. p. 131.

honor of it may with more reaſon be given to him, than to the perſon who penned it under his directions. The title ſays further, that the treatiſe only contains thoſe laws and cuſtoms, according to which pleas were held in the king's court, at the Exchequer, and before the king's juſtices, *ubicunque fuerint*. In the manuſcripts from which this edition was printed the whole treatiſe is divided into fourteen books: but I have ſeen one, which ſeems to be of the age of King John or Henry the Third, wherein the diviſions are different, and Sir Thomas Craig is of opinion that it was originally in four books; as the Scotch treatiſe entitled *Regiam Majeſtatem*, which is almoſt a tranſcript of it, has no more. I cannot aſſent to this opinion, becauſe I am convinced that the *Regiam Majeſtatem* was not publiſhed before the reign of David the Second; and we have copies of Glanville which are undoubtedly prior to that time, and are not in four books. The ſuppoſition that the Scotch treatiſe was the original, and that Glanville tranſcribed from thence the work which goes by his name, will hardly be admitted by any perſon, who conſiders the ſtate of England and Scotland in the reign of Henry the Second. The carrying back the introduction of the feudal laws contained therein to the times of Malcolm the Second, inſtead of Malcolm the Third, and underſtanding the David, by whoſe command the author ſays he compiled it, to be David the Firſt, inſtead of David the Second, are alſo notions ſo diſcordant to the cleareſt hiſtorical facts, and ſo diſcredited by the internal evidence of the book itſelf in many points, that one is amazed how they could ever have obtained any credit among ſome perſons of eminent parts and learning. Not to mention the arguments of Sir Matthew Hale and other Engliſhmen, of the greateſt authority, in oppoſition to them, Sir Thomas Craig, the moſt judicious of all the writers on feudal law, and whoſe work does honor to Scotland, ſpeaks of the *Regiam Majeſtatem*, as ſtolen from Glanville's work, and treats the

Feudor. l. i. tit. 8. ſect. 7.

the opinion of his countrymen, who ſuppoſed it to be an original account of their laws, as a *miſerable blindneſs and deluſion*. A late ingenious and learned author, who fills one of the ſeats of juſtice in that part of the united kingdom with an eminent reputation, has likewiſe brought the moſt convincing and irrefragable arguments to ſhew that it could not have been publiſhed in Scotland in the reign of David the Firſt; particularly this; that the author of it appears to be well acquainted with the civil law, the knowledge of which had hardly begun to penetrate into England before the death of that monarch, and muſt, in all probability, have been much longer in making it's way into Scotland, which in thoſe days received it's learning of every kind from England. I will only add, that the high encomiums on the then reigning king, in the prefaces to both theſe books, on account of victories gained by him, and ſucceſſes in war, the fame of which had filled all lands, are very ill applicable to David the Firſt.

See Eſſays upon ſeveral ſubjects relating to Britiſh Antiquities. Eſſay I.

The treatiſe aſcribed to Glanville is the moſt ancient of our law-books now extant; but, many ages before, collections had been made of the Anglo-Saxon laws, by ſome of the kings of that nation. Alfred the Great declares, in the preface to his laws, that he had collected and conſigned to writing many of thoſe cuſtoms, which had been anciently obſerved in England, and which he approved; rejecting or altering thoſe he diſapproved, with the advice of *his wiſe council*, (that is, of the Saxon parliament, or *witena-gemote.)* He particularly mentions the laws of Ina, his anceſtor, of Offa king of the Mercians, and of Ethelbert, the firſt Chriſtian king of the Anglo-Saxons; out of which he had ſelected thoſe which he thought the beſt, and omitted the others. His ſon, King Edward the elder, begins his laws with a command to all his judges or magiſtrates, that they ſhould give juſt judgements, according to the laws, as contained in their *Dombec*. This Spelman and Wilkins call, in their Latin tranſlation, *liber judicialis*; and

V. Wilkins Leg. Ælfredi, p. 34.

V. Leges Eadwardi, Wilkins, p. 48.

V. Spelman's Gloſſ. DOMBEC.

and probably it was the collection ſpoken of by King Alfred in the words above-cited; as no mention is made of it before the times of that prince. It retained its authority till after the reign of King Edgar, in one of whoſe laws there is a reference to it, concerning a penalty, or mulct. But that king, in another ſtatute, declares and ordains, that every man, whether poor or rich, ſhall enjoy the benefit of *the common law:* which all our ableſt lawyers, who have treated thereof, as well as the beſt of our antiquaries, unanimouſly affirm, to have then conſiſted, for the moſt part, of unwritten cuſtoms. The ſame prince, in another law, grants a liberty to the Danes, who were ſubject to him in England, of chuſing for themſelves what form of law they liked beſt, but commands the Engliſh to obſerve what he and his *wiſe-men* had added to the moſt ancient laws of his realm, from the preſent exigences of the nation. Hoveden ſays, that, after the death of Edgar, the law of England lay aſleep for ſixty ſeven years, but was awakened and confirmed by Edward the Confeſſor, and therefore was called *his law*, not as being firſt enacted, or made, by him, but becauſe it had been neglected and forgotten from the deceaſe of his grandfather, King Edgar, who was ſaid to have been *the firſt founder of it*, down to his times. Yet we find ſome parts of that law renewed and confirmed by thoſe of Canute the Dane; and it is apparent from the words of Edgar himſelf, that, although he enacted ſome new laws, he only confirmed the *common law*, of which the origin (to uſe the expreſſion of Lord Chief-juſtice Hale) is as undiſcoverable as the head of Nile. But there is good reaſon to believe that Edward the Confeſſor, not only revived and confirmed that law, (as Edgar had done before him) but made a new compilation, drawn out of all the laws, Mercian, Daniſh, and Weſt-Saxon, which had prevailed in all the different parts of the kingdom, uniting them into one, by the advice of his *witena-gemote*, or parliament. The collection. publiſhed

V. Wilkins Leges Eadgari, p. 77. Leges politicæ.

Ibidem, p. 80.

V. Hoveden Annal. Part. poſt. p. 347.

Hiſtory of the Common Law, c. 3. P. 55.

publiſhed under the name of this prince's laws by Lambard and Wilkins, and ſaid, in the title of them, to have been confirmed by William the Baſtard, is juſtly rejected, as ſpurious, by the moſt learned criticks. But thoſe which he did compile, and in which, it is probable, there was a confirmation of all the *unwritten cuſtoms*, not condemned or altered thereby, were received and reſtored to the nation by William the Conqueror, *with certain alterations and additions which he had enacted* (as one of his ſtatutes declares) *for the benefit of the Engliſh.* Some of theſe laws ſo confirmed, and publiſhed by him in the French or Norman language, the reader will find a tranſcript of, as tranſlated into Latin by Whelock and Wilkins, in the Appendix to the firſt volume of this hiſtory, together with all the other ſtatutes, made by this king, which we have reaſon to believe are genuine, and which are not penal, or relating to criminal matters; all of that nature being reſerved to be publiſhed in the Appendix to my third volume, together with thoſe enacted by King Henry the Second. Of the laws of Henry the Firſt I have given only his charter; the reſt publiſhed by Wilkins, though they have got into *the Red Book of the Exchequer*, being certainly ſpurious. The charter ſays, *I reſtore to you the law of King Edward with thoſe emendations, that my father made therein by the advice of his barons.* Whatever therefore was not altered in *that law* by his father ſtands confirmed by this clauſe; and *that law* was the whole body of Saxon laws and cuſtoms, which had been eſtabliſhed under the government of Edward the Confeſſor. The charter of King Stephen expreſly confirms *all good laws and good cuſtoms which the nation had enjoyed in the time of Edward the Confeſſor.* *Cuſtoms* here ſeem to be mentioned in addition to *laws*, for the ſake of including the *unwritten* with the *written* or *ſtatute laws.* Henry the Second, by his charter, confirmed that of his grandfather: ſo that from the reign of King Edgar to the firſt of

See Hickes Diſſert. p. 95. et alios.

See the Appendix to the firſt book of the firſt vol. numb. II. l. 63. n. III.

V. Appendix, to the firſt vol. numb. IV. P. 352, 353.

Ibidem.

the Plantagenets, incluſively, *the common law* has received repeated ſanctions, and been delivered down as the great birthright and inheritance of the nation. But that ſeveral ſtatutes, or acts of parliament, made both under the Saxon and Norman kings, before and during the times of which I write, either to explain or alter that law in many points, have been loſt, though the practice grounded upon them continued, I have not the leaſt doubt. It alſo appears that ſome feudal cuſtoms and prerogatives of the crown ariſing out of that policy, the uſe and exerciſe of which had not been complained of, under the gentle adminiſtration of Henry the Second, were afterwards limited, or taken away, by expreſs laws: and on the other hand it is well obſerved by Lord Coke, that, "*to his never-dying honor, many acts made in the reign of "Henry the Third do refer to his reign, that matters ſhould be "put in uſe, as they were of right accuſtomed in his time.*"

Coke's Inſtit. vol. ii. c. 15. note, p. 29.

I cannot better conclude this ſubject, than with the encomium made upon him, in the preface of the treatiſe aſcribed to Glanville, with relation to his civil government, and more particularly to his conduct in the adminiſtration of juſtice. The words are theſe: "How juſtly, how diſcreetly, and how "mercifully, in time of peace, he, the author and lover of "peace, has behaved himſelf towards his ſubjects, is very well "known. When ſuch is the equity of his Highneſs's court, "that not one of the judges there has ſo hardened a front, or "ſo raſh a preſumption, as to dare in the leaſt to decline "from the path of juſtice, or give any opinion contrary to "truth. For there the poor is not oppreſſed by the power of "his adverſary, nor does the favour or credit of friends drive "any perſon from the ſeat of judgment. All the proceed-"ings are grounded upon the laws of the kingdom, *or rea-"ſonable cuſtoms eſtabliſhed by a long uſage:* and (what is "ſtill more laudable) our king does not diſdain to be directed "by

" by the advice of ſuch of his ſubjects as he knows to excel
" others in gravity of manners, in knowledge of the law and
" cuſtoms of the realm, and whom he has found by expe-
" rience to be moſt prompt and expeditious, as far as reaſon
" and juſtice will permit, in determining cauſes and ending
" ſuits, *by acting ſometimes with rigour and ſometimes with*
" *lenity, as they ſee to be moſt proper.*"

On theſe laſt words I would obſerve, that, as in thoſe days there was no diſtinct court of equity, the judges of the king's court had probably a power of mitigating in ſome caſes the rigour of the law. But however this may have been, the teſtimony given to the wiſdom and goodneſs of Henry, in that firſt of royal duties, the adminiſtration of juſtice, if not by the grand-juſticiary himſelf, yet certainly by one who wrote according to his ſentiments, is of no little weight: and it will be ſhewn, from ſtill more unqueſtionable evidence, from the acts of that prince, and from the reverence paid by foreign powers to the fame of his juſtice, that the praiſe he received from his ſubjects, in this and other contemporary writings, was not adulation.

Of what orders of men the Engliſh parliament was compoſed, in the times of which I write, is a queſtion much diſputed, and which can never, I believe, be ſo abſolutely decided, as to put an end to any difference of opinion about it; eſpecially if the controverſy ſhould be ſupported and ſharpened, (as it has formerly been) by the ſpirit of party; or by what is no leſs unfriendly to the diſcovery of truth, attachment to a ſyſtem. But happily the enquiry is rather matter of curioſity than real importance; becauſe the right of the commons to a ſhare in the legiſlature and national councils, even according to the hypotheſis of thoſe who are moſt unfavourable to them, has antiquity enough to give it all the eſtabliſhment which can be derived from long cuſtom, and all the reverence and authority, which time and experience can add, in the

opinions of men, to the ſpeculative reaſon and fitneſs of wiſe inſtitutions. I therefore treat of this queſtion, rather as it is a neceſſary part of my ſubject, than as worthy in itſelf of any very anxious inveſtigation: nor do I pretend to do more than draw together ſome rays of light, ſcattered in a few important records, and in ſome paſſages of the moſt authentick contemporary hiſtorians, ſubmitting the reſult of them to the judgement of the reader, with very great diffidence of my own.

If we look to the beſt accounts of the original cuſtoms of the ancient German nations, we ſhall find, that, in their communities, all the freeholders enjoyed an equal right with the nobles, to aſſiſt in deliberations *on affairs of great moment*. When they made their firſt ſettlements in any foreign country, and while there numbers were moderate, this right might be exerciſed, without any great inconvenience, by the whole body of the freeholders aſſembling together in open plains. That it was exerciſed in this manner by the Anglo-Saxon people, after they came into Britain, we are aſſured by an hiſtorian of no mean authority, Matthew of Weſtminſter, who ſays, "that the meadow near Staines, in which the great charter was granted by King John, had the name of *runemeed*, which, in the Saxon language, ſignified *the meadow of counſel, becauſe, from ancient times, it had been uſual to conſult there, upon buſineſs which concerned the peace of the kingdom.*" But this cuſtom had been diſuſed under the government of the Normans, and (ſo far as I can diſcover) for ſome time before; perhaps from the time that the Saxon heptarchy was united into one kingdom. Nor do I find a ſingle inſtance of its being ever revived, till that extraordinary meeting in the reign of King John; all the parliaments, or great councils, whereof we have any account before, having been held in churches, abbies, or royal caſtles. It ſhould ſeem therefore, that, if the right of the freeholders

Vid. Matt. Weſtmon. ſub ann. 1215. 17 Johan.

continued, the greater part of them muſt have exerciſed it, not perſonally, as they did in more ancient times, but by repreſentatives. We are aſſured, by a record which Dr. Brady has cited, that, ſo late as in the fifteenth year of King John, not only the greater barons, but all the inferior tenants in chief of the crown, had a right to be ſummoned to parliament by particular writs. We may therefore conclude, that, till that time, no repreſentatives had been ſent by any of theſe to ſerve for them in parliament; but they were accuſtomed to attend the great councils of the nation in their own perſons. Nor were they yet become ſo numerous, as that they might not be contained in the body of a church, or the great hall of an abbey or a caſtle. But theſe were far from being all the freeholders of the kingdom. Under that deſcription were comprehended all who held of the barons, either by knight-ſervice or free ſoccage, and all the poſſeſſors of alodial eſtates, with all the free inhabitants of cities and boroughs not holding of the crown. The number of theſe was too great to be contained in any building, how ſpacious ſoever. We are therefore to enquire, whether, during the times of which I treat in this hiſtory, all theſe men were either wholly excluded from parliament, or were preſent there by any kind of repreſentation. Some learned writers have ſuppoſed, that every ſuperior lord, who held of the king immediately and in chief, being the head of his tenants in all the degrees of ſubinfeudation, whatever he agreed to in matters of government *bound all his vaſſals*. For which reaſon Sir H. Spelman gives it as his opinion, "*that in making laws of the kingdom the common people were not conſulted with, but only the barons, and thoſe which held in capite, who were then called* concilium regni, *And the common people being, by way of tenure, under one or other of them, did then by him that was their chief lord (as by their tribune or procurator, and as now by the knights of the ſhire) conſent or differ in law-making, and are not therefore*

See Brady's Anſwer to Petit, in his Introduction to the Hiſt. of Engl. p. 40. 68. See alſo the Notes to this book at the end of the volume.

named in the title of any ancient law." But, though it may appear that this notion has indeed ſome foundation in the genius and contexture of the ſtrict feudal ſyſtem then eſtabliſhed in England, it muſt be obſerved, that the poſſeſſors of alodial eſtates, in the number of which were all the parochial clergy, having no ſuperior lord to act for them in parliament, could not be thus repreſented, or virtually bound by the acts of the king's barons, to whom they were not attached by any feudal connection, and of whom they held nothing. I would likewiſe remark, that the knights, citizens, and burgeſſes, who are now the repreſentatives of the commons of England, are *elected* by thoſe for whom they ſerve; all their power is derived to them from their electors; and, upon a diſſolution of the parliament, and the calling of a new one, thoſe electors are again at liberty to make a new choice: whereas the repreſentatives, which Sir H. Spelman has ſuppoſed in his hypotheſis, were neither *elected*, nor liable to be *changed* at any period of time, by thoſe they repreſented; their right to ſit in parliament not ariſing from any truſt conferred by the people, but wholly from their tenures. Indeed it ſeems improper, and a force on the words, to call them *repreſentatives* or *procurators*. But further, it is certain, that the feudal ſuperiority was the ſame under the government of Henry the Third as of William the Firſt, and continued ſo for ſome ages. If therefore the barons, and ſuperior lords of great fiefs, holden immediately of the crown, had, by virtue of the inſtitutions of William the Firſt, been ſuppoſed to repreſent their vaſſals in parliament, and the notion was then, that every feudatory, holding by a meſne tenure, was bound by the parliamentary acts of his lord, how came that notion to be diſcarded in the forty ninth year of Henry the Third, or under the reign of his ſon, or at any time afterwards, while the feudal conſtitution remained in this kingdom? A baron, who held of the crown, was to all intents and purpoſes *the head of his vaſſals*, in the reigns of Edward the

Firſt

Firſt and Edward the Third, as much as in any of the preceding reigns. How happened it then, that the conſent of thoſe vaſſals to the making of laws, or any other act of moment to the publick, was not ſtill included in the vote of their lord? why was it given, againſt the courſe of former proceedings, not by *him*, as *their repreſentative*, but by knights of the ſhires, or by citizens, or by burgeſſes, choſen by the vaſſals? Some learned men have aſſerted, that this change was brought about by the power of the earl of Leiceſter, in the forty ninth year of Henry the Third. But we have a record which demonſtrates that date to be falſe. A writ of ſummons directed to the ſheriffs of Bedfordſhire and Buckinghamſhire, and requiring two knights to be ſent for each of thoſe counties, is extant in the cloſe roll of the thirty eighth year of Henry the Third. And there is a clauſe in the great charter of the ninth of the ſame king, whereby it is declared, that, together with the ſpiritual and temporal lords, other inferior freeholders, *et omnes de regno*, by which words I underſtand *the whole commonalty of the realm*, granted to the king the fifteenth part of all their moveable goods, in return for the liberties accorded to them in that charter. Nor can I diſcover, in the hiſtory of thoſe times, any reaſon ſufficient to render it probable, that ſo great an alteration ſhould then have been made in the conſtitution of England. But, if it had been made, it muſt naturally have produced ſome diſputes, which would have been taken notice of by ſome of the many hiſtorians, who lived in that age, and who have left very large and particular accounts of leſs important tranſactions. The Roman hiſtory is full of the diſſentions and ſtruggles between the patricians and plebeians. The ſame conteſts likewiſe appear in ſeveral other mixed governments, both ancient and modern; and every advantage, which the ariſtocratical or the popular powers obtained in thoſe conteſts, is diſtinctly marked by hiſtorians. But the Engliſh hiſtory is quite ſilent as to any

See the Charter in Dr. Blackeſton's edition.

diſputes,

diſputes between the nobility and the people, on this account, from the earlieſt times of the Saxon government, down to the reign of Charles the Firſt. Soon after the times of which I write, we find the king and the barons engaged in civil wars, on account of diſputes between the royal prerogative and the liberties of the nation, in which the barons were ſupported by the arms of the commons: but there is not the leaſt trace, in that part of our hiſtory, of any diſſention between the barons and commons concerning this queſtion. From whence, I think, we may preſume, that the right of the commons muſt have been inconteſtably eſtabliſhed by cuſtom, and interwoven into the original frame of our government. For, that the admiſſion of all the lower orders of freemen, or indeed of any large number, to the great council of the kingdom, and to a participation of the legiſlative power, which they had no right to before, ſhould be ſo eaſily brought about, as to paſs unobſerved by any writer who lived in that age, is hardly conceivable. Even if we ſuppoſe (as ſome have done) that the ſitting in parliament, which is now thought ſo valuable a privilege, was then regarded only *as a trouble and burthen*, the laying that *onerous obligation* on orders of men, who had been before exempt from it, muſt naturally have met with reſiſtance, and oppoſition, on their part. But that it was generally ſeen in a very different light may be inferred from the act of the fourth of Edward the Third, which is thus worded, "It is *accorded*, that a parliament ſhall be holden every "year once, and more often, if need be." The preſumption is ſtrong, that they to whom the king *accorded* this ſtatute conſidered the ſervice in parliament *as a privilege*, of which they earneſtly deſired the frequent enjoyment: otherwiſe, they would not have petitioned the crown to call them to it ſo often, and bound the king, by an expreſs law, not to omit or neglect it. And it is highly probable that this law did only confirm an ancient uſage. For nothing appears

pears in the wording of it, or in the hiſtory of the times, to induce one to believe, that it made any change in the Engliſh conſtitution. We know indeed that ſome boroughs, which, from their poverty, were unable to bear the expence of ſending members to parliament, declined the uſe of that privilege: but no argument can be drawn, from theſe particular inſtances, to the general ſenſe of the commons, in counties, cities, or other more wealthy boroughs. As for the nobility, whoſe power was never higher than in the reign of Henry the Third, it ſeems incredible, that if the whole legiſlative authority had, before that time, been always placed in them and the king, they ſhould not have oppoſed the extenſion of it to ſo many perſons of a lower rank in the ſtate. And with regard to the earl of Leiceſter, it was not his intereſt, while he was acting at the head of the nobles and people, in a very dangerous conteſt againſt the crown, to make any innovations offenſive or diſtaſteful to either of thoſe bodies. Nor is it probable that any new inſtitution, begun by that earl, ſhould have been confirmed and perpetuated by Edward the Firſt.

Among the cloſe rolls of the twenty fourth year of that king, there is a writ of ſummons to parliament, in which it is aſſerted, not as an innovation introduced by the earl of Leiceſter, but *a maxim grounded on a moſt equitable law, eſtabliſhed by the foreſight and wiſdom of ſacred princes, that what concerned all ſhould be done with the approbation of all; and that dangers to the whole community ſhould be obviated by remedies provided by the whole community.*

V. Rot. Clauſ. 24 Edw. I. in dorſo.

Some very eminent writers have ſuppoſed, that none but the king's inferior tenants in chief were at firſt repreſented by the knights of the ſhires: but there is no ſufficient evidence to ſupport that opinion. On the contrary, it appears from ſome of the moſt ancient writs now remaining, that the knights were ſent to repreſent *the whole community of the county:* and how this expreſſion ſhould ſignify *the inferior tenants in chief*, excluſively of all the other freeholders, I do not well comprehend.

There

There is not in any of thoſe writs, nor in the oldeſt we have for ſending up repreſentatives from cities or boroughs, the leaſt intimation, that ſuch elections were a novelty then introduced. But ſome writs are taken notice of by Mr. Tyrrel, a diligent ſearcher into records on this ſubject, which ſet forth a claim of certain *tenants in ancient demeſne*, before the fifteenth year of Edward the Second, that they ought not to be charged with wages to knights of the ſhire; *foraſmuch as they and their anceſtors, tenants of the ſame manor, had, from time beyond memory, been always exempted, by cuſtom, from the expences of knights, ſent by the community of their county to the parliaments of the king, and of his royal progenitors.* If no wages had been ever paid to knights of the ſhire till the reign of Henry the Third, it would have been prepoſterous for theſe men to tell the grandſon of that king, that they had enjoyed a cuſtomary privilege of not paying ſuch wages *from time beyond memory*, which is defined by our law-books, to *be a time antecedent to the beginning of the reign of King Richard the Firſt*; and muſt be ſuppoſed, when this exemption was claimed, to go much further back.

See Tyrrel's Append. part II. vol. iii. p. 60, 61.

With regard to cities and boroughs, there are likewiſe extant two claims, made in the reigns of Edward the Second and Edward the Third, the proceedings upon which ſeem deciſive of the ſenſe of that age, concerning the antiquity of the cuſtom of citizens and burgeſſes coming to parliament, and from towns that were held under ſubjects, not immediately of the crown; I mean the claims of the towns of St. Albans and Barnſtable: to which I will add the teſtimony of the whole legiſlature within the ſame age. By a ſtatute of the fifth year of Richard the Second it is enacted, "that all and "ſingular perſons and commonalties, which from hence-"forth ſhall have the ſummons of the parliament, ſhall come "from henceforth to the parliaments in the manner as they "are bound to do, *and have been accuſtomed, within the realm "of England, of old times.* And if any perſon of the ſame "realm which from henceforth ſhall have the ſaid ſummons,

See the notes to this book, and Madox's Hiſt. of the Exchcq. c. 17.

See Keble's Statutes 5 Ric. II. Stat. 2. et ann. dom. 1382. c. 4.

"(be

" (be he archbiſhop, biſhop, abbot, prior, duke, earl, baron,
" baneret, *knight of the ſhire*, *citizen of city*, *burgeſs of borough*,
" or other ſingular perſon or commonalty) do abſent him-
" ſelf, and come not at the ſaid ſummons (except he may
" reaſonably and honeſtly excuſe him to our lord the king)
" he ſhall be amerced and otherwiſe puniſhed, *according as*
" *of old times hath been uſed to be done within the ſaid realm*
" *in the ſaid caſe.*"

No diſtinction is made in this ſtatute between the antiquity of ſummons to parliament ſent to the greater nobility, and thoſe to citizens, burgeſſes, and knights of the ſhires. All are ſpoken of as having been *accuſtomed of old times to come thither*, and the ancient penalties for non-attendance are referred to as the rule for puniſhing thoſe who ſhould abſent themſelves for the future. It ſeems very difficult, if not impoſſible, to reconcile theſe expreſſions to the opinion of thoſe, who date the admiſſion of the commons into the parliaments of this realm, ſo near to the times when this ſtatute was enacted, as the reign of Edward the Firſt, or of Henry the Third. But beſides theſe authorities, drawn from ſtatutes and records, very evident indications of the preſence of the people in the national councils, and of their being conſtituent parts thereof, though, indeed, in a confuſed, diſorderly manner, are to be found in ſome ancient hiſtories, and contemporary accounts of tranſactions in parliament, during the times which I write of; viz. from the death of Edward the Confeſſor to that of Henry the Second.

Nevertheleſs it is certain, that in thoſe times, and long afterwards, ordinary buſineſs, and even ſome arduous affairs of the kingdom, were frequently treated of, and determined, by the nobles alone, who met, according to ancient cuſtom, three times in a year, namely, on the great feſtivals of Chriſtmas, Eaſter, and Whitſuntide. It would have been too inconvenient to ſummon ſo often, and from the moſt diſtant parts of England, all the citizens, burgeſſes, and

knights of the ſhires; nor could their conſtituents have ſupported the expence of their wages and travelling charges. But the aſſembly of the nobles was convened with more eaſe, and appears to have acted, not only as a council of ſtate, and ſupreme court of judicature, but, as being authoriſed, by permiſſion and common conſent, to exerciſe ſome degree of parliamentary power, the limits of which were not accurately defined. The king was always preſent in it, and ſometimes wore his crown, as he does now in full parliament; all the nobility likewiſe being dreſt in their robes. We are told by ſome ancient writers, that William the Firſt kept his court, and held theſe aſſemblies, at Chriſtmas in Gloceſter, at Eaſter in Wincheſter, and at Whitſuntide in Weſtminſter: but it alſo appears, that he convened them occaſionally in ſome of his other cities. For intending to celebrate his Chriſtmas at York, in the year one thouſand and ſixty nine, he ordered his crown and other *regalia* to be carried thither from Wincheſter. This change of place was for the eaſier diſpatch of buſineſs in the ſeveral counties, and that all parts of the kingdom might be favoured, in their turns, with the benefit of theſe meetings, wherein our monarchs diſplayed their utmoſt ſtate and magnificence. William of Malmſbury ſays, that, on ſuch occaſions, the abovementioned prince made very ſplendid feaſts, for the entertainment of thoſe who came to attend his council; and ſummoned thither all his ſpiritual and temporal nobles, that the embaſſadors of foreign nations might admire the pomp of ſo numerous an aſſembly, as well as the ſumptuouſneſs of the banquets provided for them. The ſame magnificence in feaſting was continued by his ſucceſſor, but dropt by Henry the Firſt. Stephen revived it, with great luſtre, at the beginning of his reign, and would, doubtleſs, have perſevered in it till the end of his life, if the troubles of his kingdom, and the wretched poverty, which they ſoon brought upon him, had not prevented him from indulging the liberality of his nature. It has been mentioned

Chron Saxon. Ma'mſb. et Huntindon. Will. I.

V. Ord. Vital. l. iv. ſub ann. 1069.

L. iii. f. 63.

in

in the former part of this book, that Henry the Second wore his crown, in meetings of this nature, at Lincoln and Worceſter; in the laſt of which cities he made a ſolemn vow, that he would wear it no more. But the omiſſion of this ceremony did not alter the cuſtom of ſummoning the nobility, at the uſual ſeaſons of the year, when the king was in England. It frequently happened, that the occaſions for calling the commons to parliament fell in with thoſe feſtivals; and in that caſe, I preſume, the ſummons being ſent to the counties, cities, and boroughs, converted ſuch councils into full and compleat parliaments. Of this we have an inſtance in the firſt year of King Stephen, which is particularly conſidered in one of the notes to this book, among other proofs, drawn from hiſtory, of the preſence of the commons in the parliaments of this kingdom, during the period from the death of Edward the Confeſſor to that of Henry the Second. There is alſo reaſon to believe, that the abovementioned council, held at Worceſter, was a full parliament. But neither the number of repreſentatives, nor the modes of repreſentation, were ſo abſolutely fixed, as not to be liable to occaſional variations at the will of the crown. Perhaps the principal magiſtrates of cities and boroughs may, at ſome times, have been deputed, by virtue of their offices, to repreſent thoſe communities. And it ſeems, that in conformity to the ancient German cuſtom, ſo far as could be practiſed when the aſſemblies of the nation were no longer convened in open plains, none of the inferior orders of freemen, reſiding in or near the place where the parliament met, were excluded from attending it *in their own perſons*; the number of them being only limited by the capacity of the building in which they aſſembled. Much confuſion muſt have ariſen from a liberty of this nature, and it certainly was a great improvement of the Engliſh conſtitution, when the lords were ſeparated from the commons, and none of the latter admitted into the national councils, but by a regular and fixed method of repreſentation. Among the freeholders, of whoſe preſence in parliamentary meetings a diſtinct notice

is taken by the hiſtorians of the times treated of in this work, we find many of the inferior, ſecular clergy, an order of men who were, certainly, of too great eſtimation and account in the ſtate, not to have had a ſhare in the legiſlature, either perſonally, or by repreſentatives. There are not, indeed, any writs of ſummons now remaining, which require proctors to be ſent for them to the parliaments of this kingdom before the twenty third year of Edward the Firſt: but from the annals of Burton it appears, that the whole body of the clergy were ſo repreſented in the thirty ninth of Henry the Third. Nor is it remarked as a novelty by any of the hiſtorians who wrote in that age, though, being all eccleſiaſticks, they probably would have thought it more worthy of obſervation, than any event wherein the laity alone were concerned. It may be therefore preſumed, that, not only the attendance of the inferior clergy in parliament, which is evidently proved by many paſſages in more ancient hiſtorians, but this kind of repreſentation of them had been cuſtomary long before. In later times, from a deſire of independence on the ſtate, to which they were incited more and more by the pope, they gradually withdrew themſelves from any attendance in parliament, either perſonally, or by repreſentation; ſo that, after the reign of Henry the Sixth, they are hardly ever mentioned as preſent there; although, in the twenty firſt year of Richard the Second, the commons had ſhewn, in a petition to the king, *how that before thoſe times many judgements and ordinances, made in the times of the progenitors of our lord the king in parliament, had been repealed and diſannulled, becauſe the ſtate of the clergy were not preſent in parliament at the making of the ſaid judgements and ordinances.* Upon the reformation of religion, in the reign of Edward the Sixth, an attempt was made in convocation to have the lower houſe united to the houſe of commons, *according to ancient cuſtom, ſicut ab antiquo fieri conſuevit.* It was alſo propoſed to Queen Elizabeth, but rejected. The clergy continued to tax themſelves

V. Annal. Burton, p. 355. ſub ann. 1255. See alſo one of the Notes to this book.

V. Rot. Parl. 21 R. II.

See Hody Hiſt. of Convocations, p. 429, 430.

ſelves in a ſeparate body, till the reſtoration of Charles the Second; ſoon after which they were taxed in the ſame manner and conjointly with the reſt of the commons; and have ever ſince been repreſented in parliament by the ſame perſons; which has more *embodied* them with the laity, and prevents the ſetting up of a church intereſt diſtinct from that of the people. It is remarkable, that this very important alteration in the ſtate of this kingdom was made *without any law*, by agreement with the clergy. And thus ſeveral others may have happened before, in the methods by which thoſe, to whom our ancient conſtitution had given a ſhare in the legiſlative power, exerciſed that great privilege, during the courſe of ſo many centuries, as have paſſed ſince the Saxons, or even ſince the Normans firſt came into this iſland. Some orders of men, who had before attended *perſonally* in our great councils, or parliaments, may, from the encreaſe of their numbers, or from other motives of convenience, have come by *repreſentatives*; and *the mode of repreſentation* may have occaſionally *varied:* but all this, I preſume, was done, and the whole ſyſtem of thoſe aſſemblies was finally ſettled, without any change in *the principles* of the ancient conſtitution, and on the foundation of *undiſputed*, *original rights*. The preſence of *the people* in the Saxon councils, and their having had a ſhare in the higheſt acts of legiſlature and government, even till the entrance of the Normans, ſeems to be proved very ſtrongly, from the preambles of laws and other proceedings of thoſe councils, and from the words of the beſt hiſtorians who lived near to thoſe times. On this long uſage, I conceive, their right was eſtabliſhed: and it appears to have been continued under William the Conqueror, with other cuſtoms and rights confirmed by him to the nation; and under his ſucceſſors, by like ſanctions of ancient liberties granted in repeated royal charters. Accordingly we find, that ſo long ago as the ſecond year of King Henry the Fifth, the houſe of commons aſſert, in their petition to the king, that *it ever hath*

been

See Append. to Burnet's Hiſt. of the Reformation, numb. 18.

been their liberty and freedom, that there ſhould no ſtatute or law be made without their aſſent; and that they are, *and ever have been, a member of the parliament:* which claim was not diſallowed, either by the lords or the king.

Upon the whole, it ſeems that the parliaments, during the times which I write of, contained in them *the firſt elements* of thoſe we have now: but were only a *rough draught*, in which regularity and decorum were abſolutely wanting. Nor was that *ballance of power*, which makes the perfection of our preſent conſtitution, yet fixed in thoſe aſſemblies. For, the property of the commons was ſo unequal to that of the nobles, and the feudal obligations of the inferior landholders, to the lords they held under, created ſuch a dependence of the former on the latter, that although, in the idea and ſcheme of the government, a popular power was mixed with the regal and ariſtocratical, yet, in reality, the ſcale of the people was not weighty enough, to make a proper counterpoiſe to either of the other. The changes made in the peerage, the relaxation of the feudal laws, and the diffuſion of wealth among the lower orders of freemen, produced afterwards a great difference in the ſtate of the legiſlature: but the hiſtory of theſe events belongs not to my ſubject.

V. Rot. Parl. 2 H. V. p. 2. n. 22.

All feudal governments were *monarchical*, and could no more ſubſiſt without a king, than an army without a general, the royal power being conſidered as the ſource of all dignity and command in that ſyſtem. But neither could monarchy in ſuch a government be ſuſtained without a nobility, nor that nobility without inferior orders of *freeholders*; the feudal notions requiring all theſe ranks in the community, and connecting them together by reciprocal duties. The degrees of power appropriated to each of theſe orders were different in different countries, and even in the ſame countries at different periods. During the age that I write of, the regal power in this kingdom, though limited by a mixture of Ariſtocracy, and Democracy,

Democracy, was very great. The execution of all laws was entruſted to the king, and none could be made, repealed, or altered, without his aſſent. It was by him that the whole ſtate exerted its energy, either in peace or in war. He treated with foreign powers; he made alliances and confederacies, offenſive or defenſive; by him peace was concluded, by him war was declared. He was the general of the armies formed by knight-ſervice, or by commutations for that ſervice; nor could any other ſpecies of military force exiſt in the realm, without being ſubject to his orders, as commander in chief. Appeals were carried to him from all the inferior courts of juſtice; and in his own court he exerciſed a ſovereign judicature, without appeal. He had many offices to beſtow, which created him a great number of dependants and friends: but his chief power aroſe from the multitude of fiefs, which, by eſcheat, or by forfeiture, were continually falling into his hands. The influence, our preſent government may be ſuppoſed to derive from the emoluments it confers, is by no means equal to that, which the crown muſt have obtained, while the feudal law was in vigour, from a prudent conduct in the diſpoſal of theſe vacant fiefs. A place, or penſion, held during the pleaſure of the king, or even for life, is a much leſs valuable gift, than *lands of inheritance*, ſome of which had great dignities and privileges annexed to them, beſides their rents and profits. A court, which had ſuch immenſe and laſting benefits to confer on thoſe it favoured, muſt have had many ſuitors, among all ranks of men, perpetually ſollicitous to gain it's good will, and, by conſequence, ready to obey it's orders. Nor, when baronies, or other fiefs, had been granted by the king, did the dependance upon his favour, with regard to thoſe poſſeſſions, entirely ceaſe. For the right of wardſhip over the heirs, in caſe of minorities, made all the great families afraid of offending the ſovereign, who might happen ſoon to have the cuſtody and education of their children committed to him by law, as well as the care of their eſtates, during the time of ſuch cuſtody. And certainly there could not be a

more irreſiſtible bribe to avarice, ambition, or love, than the hand of a rich, a noble, or a beautiful heireſs, which the king, as feudal lord, was often able to grant. This power alone, as it affected the intereſts and paſſions of men in the higheſt degree, was greater than any the crown poſſeſſes now, and very dangerous to the public.

Another feudal prerogative was the altering of the ſervice by which lands were held; of which Mr. Madox gives an inſtance under King John, who ordered an eſtate, which under his brother, King Richard, had been held by knight-ſervice, to be held by the ſervice of the *falconrie*, a ſpecies of ſerjeanty.

See Baronia, l. i. p. 32.

The wealth of the crown, in the times of which I write, was a great ſupport of it's power. The ancient demeſne, or land eſtate of the crown, as recorded in Domeſday-book by William the Firſt, conſiſted of fourteen hundred and twenty-two manors in different counties, beſides ſome ſcattered lands and farms, not comprehended therein, and quit rents paid out of ſeveral other manors. Much of this ancient patrimony of the kings of England was alienated in the reign of King Stephen; but the reſumption made by Henry the Second (of which an account has been given in the former part of this book) recovered all thoſe alienations, except only the lands which had been granted to the church, and which, probably, did not exceed what muſt be added to the number in Domeſday-book, viz. the eſtates of the crown in the four northern counties, and in ſome parts of Wales, which were ſubdued after the death of the Conqueror, who cauſed that ſurvey to be made. It is therefore evident that a vaſt ſhare of the lands of England was poſſeſſed by Henry the Second, which was a conſtant ſupport to the royal dignity, independent of all taxes or impoſitions on his ſubjects, and which was conſidered as a ſacred and inalienable patrimony, tranſmitted to him from his anceſtors, the ancient kings of England; for it appears by Domeſday-book, that all the demeſne lands, aſſigned therein to the crown, belonged to it in the reign of Edward the Confeſſor. But it will

See Brady Hiſt. W. I. p. 210. Davenant on Reſumptions, p. 105.

will be neceſſary, in treating of the royal revenue, to give a particular account of that famous record, which is called by Sir H. Spelman, *if not the moſt ancient, yet without controverſy the moſt venerable monument of Great Britain.* It conſiſts of two volumes, which, together, contain a deſcription of all the lands in England, except the four northern counties, made by order of William the Firſt, with the advice of his parliament, in the year one thouſand and eighty-ſix. But it ſeems not to have been finiſhed till the following year, which was the laſt of that king. For the execution of this great ſurvey, ſome of his barons were ſent commiſſioners into every ſhire, and juries ſummoned in each hundred, out of all orders of freemen, from barons down to the loweſt farmers, who were ſworn to inform the commiſſioners, what was the name of each manor, who had held it in the time of Edward the Confeſſor, and who held it then; how many hides, how much wood, how much paſture, how much meadow land it contained; how many ploughs were in the demeſne part of it, and how many in the tenanted part: how many mills, how many fiſh-ponds, or fiſheries, belonged to it; what had been added to it or taken away from it; what was the value of the whole together in the time of King Edward, what when granted by William, what at the time of this ſurvey; and whether it might be improved, or advanced in it's value. They were likewiſe to mention all the tenants of every degree, and how much each of them had held, or did hold at that time; and what was the number of the ſlaves. Nay, they were even to return a particular account of the live ſtock on each manor. Theſe inquiſitions, or verdicts, were firſt methodiſed in the county, and afterwards ſent up to the king's Exchequer. The leſſer Domeſday-book contains the originals ſo returned from the three counties of Eſſex, Norfolk, and Suffolk. In theſe the live ſtock is noted. The greater book was compiled, by the officers of the Exchequer, from the other returns, with more brevity, and a total omiſſion of this article, which (as appears

V. L. Elienſis MSS. Cotton. Libr. Tiberius A. vi.

by the expreſſions of contemporary hiſtorians) gave much offence to the people; probably, becauſe they apprehended, that the deſign of the king, in requiring ſuch an account, was to make it a foundation for ſome new impoſition. And this apprehenſion appears to have extended itſelf to the whole ſurvey at that time. But, whatever jealouſy it may have raiſed, it certainly was a work of great benefit to the publick; the knowledge it gave to the government of the ſtate of the kingdom being a moſt neceſſary groundwork for many improvements, with relation to agriculture, trade, and the encreaſe of the people, in different parts of the country; as well as a rule to proceed by, in the levying of taxes. It was alſo of no ſmall utility for the aſcertaining of property, and for the ſpeedy deciſion or prevention of law-ſuits. In this light it is conſidered by the author of the dialogue *de Scaccario*, who ſpeaks of it as the completion of good policy and royal care for the advantage of his realm in William the Conqueror; and ſays, it was done to the intent, that every man ſhould be ſatisfied with his own right, and not uſurp with impunity what belonged to another. He likewiſe adds, that it was called Domeſday-book by the Engliſh, becauſe a ſentence, ariſing from the evidence there contained, could no more be appealed from, or eluded, than the final doom at the day of judgement. From this authority given to it, one ſhould ſuppoſe that the verdicts, on which the regiſter had been grounded, were found, in general, to be faithful; notwithſtanding the confeſſion made by Ingulphus, abbot of Croyland, that, with reſpect to his abbey, the return was partial and falſe. For it does not appear that the deſign imputed to Ralph Flambard, as miniſter to William Rufus, of making another and more rigorous inquiſition, was ever put in execution, or that any amendments were made in either of the books. I muſt obſerve, that many lands are declared in thoſe records to be of much greater value when this ſurvey was made, than in the time of Edward the Confeſſor, and

L. i. c. 16.

V. Hiſt. Ingulph. edit. Gale, p. 79.

capable of being ſtill very conſiderably improved by more cultivation. But from other evidence it appears, that the four northern counties, were then, for the moſt part, in a waſte and deſolate condition; which, I preſume, was one reaſon of their not being ſurveyed together with the others. It is ſurpriſing that this defect was not afterwards ſupplied by a ſimilar inquiſition. The abovementioned author of the dialogue *de Scaccario* tells us, that, from the Norman conqueſt till the reign of Henry the Firſt, the rents due to the king were accuſtomed to be paid in proviſions and neceſſaries for his houſhold; but that prince, about the middle, or towards the end of his reign, being moved with the complaints which were frequently brought to him, from thoſe who tilled his demeſne lands, of the great oppreſſions they ſuffered, by being obliged to bring victuals, and other proviſions for the uſe of his houſehold, to different parts of the kingdom, from their own dwellings, did, with the advice of his parliament, ſend commiſſioners over England, to take an eſtimate of the value of what they thus paid in kind; and theſe, reducing it into money, appointed the ſheriff of each county to put together all the ſums ariſing from the ſaid lands contained therein, and account with the Exchequer for the whole collection. Yet it is certain, notwithſtanding the authority of this treatiſe, which is kept among our records, that, before the reign of Henry the Firſt, the rents of the crown, from thoſe who occupied it's lands in ancient demeſne, were often paid in money. But the converting *all* ſuch rents, in the manner above-deſcribed, into pecuniary payments, is a memorable act of that reign. If a moderate compoſition was taken (as there is reaſon to believe) this alteration was a great relief to the tenants. But though the revenue of the crown was leſſened thereby in real value, the money brought into the treaſury, which might be applied to any ſervices, of war or other exigencies, was in many reſpects more commodious and more deſirable for the king. And the frequent occaſion Henry had

L. i. c. 7.

for ſupplies of this kind, by reaſon of the quarrels he was engaged in for the defence of his territories or allies on the continent, muſt naturally have inclined him to prefer this mode of payment to a greater profit from the methods before in uſe.

From the account before given of the number of manors belonging to the crown, as it's ancient inheritance, it appears that the king, in the times of which I write, was beyond compariſon the greateſt landholder in England: but, beſides his demeſnes, he had frequently in his poſſeſſion, by eſcheats, ſeizures, or forfeitures, the lands of many of his vaſſals. How conſiderable a revenue aroſe from hence to the crown may be judged from theſe inſtances. In the ſeventeenth year of King Henry the Second there were in his hands ſeven baronies, of which four belonged to earldoms; and in the thirty firſt of the ſame king eight baronies, belonging likewiſe to earldoms, the lands annexed to the office of conſtable of England, with twelve other baronies, or knights-fees of great value. Many leſſer offices and fiefs of different kinds often fell to the crown by devolution or forfeiture, all which produced together a very ample income. The greater eſcheats were let at farm, or committed to the cuſtody of perſons appointed by the king, to whom they accounted for the profits. Mr. Madox ſays, (though with ſome doubt) that, about the latter end of King Henry the Second's reign, the officers of the Exchequer began to form an eſcheatry. It appears, that in this reign, the vacant biſhopricks and other prelacies, which were of royal foundation, eſcheated to the crown; and till a new election was made of a biſhop or abbot, the king enjoyed the revenues and profits of thoſe ſees, as he did of other eſcheats. Peter of Blois, in his continuation of Ingulphus, affirms, that William Rufus, ſeduced by the counſels of Ralph Flambard, his principal miniſtor, was the firſt king of England who began the evil practice of retaining to his own benefit theſe ſacred revenues, which his father, and all his Anglo-

See Madox's Hiſt of the Exchequer. c. 10. p. 203, 204, 205.

P. 111. ad ann. 1100.

Saxon

Saxon predeceſſors, had religiouſly and ſtrictly refunded to the next ſucceeding prelates. This teſtimony is confirmed by Ordericus Vitalis, who ſays that, before the entrance of the Normans, the cuſtom of England was, that the biſhop of the dioceſe took care of the revenues of vacant abbies therein, and the archbiſhop, in like manner, of vacant biſhopricks in his province. Both theſe writers exclaim againſt the alteration made by William Rufus, as a ſacrilegious invaſion of the goods of the church. Yet it was certainly juſtifiable by the feudal principles then eſtabliſhed by law in England. For churchmen who held their temporalities of the crown, as baronial eſtates, having no heirs who could claim by deſcent from them, their fiefs, at their deceaſe, reverted to the crown, as all other baronies did upon failure of heirs, and for the ſame feudal reaſons. Nor was the king leſs entitled, as immediate lord of ſuch fiefs, to the revenues and profits of theſe lands, than of the others ſo eſcheated. But the keeping biſhopricks and abbies void, beyond a reaſonable time, for the ſake of retaining ſuch profits, was undoubtedly blamable. Peter of Blois ſays, that William Rufus, under the colour of ſeeking a fit paſtor with long deliberation, kept all dignities in the church a great while vacant, and ſold them at laſt to the beſt bidder, except in the ſingle promotion of Anſelm to Canterbury, which he made in a fit of ſickneſs. He alſo tells us, that this monarch had in his hands at his death the archbiſhoprick of Canterbury, four biſhopricks, and eleven abbies, which he had let out to farmers. Henry the Firſt in his charter promiſed *that he would neither ſell nor let out to farm the holy church of God; nor, upon the death of an archbiſhop, biſhop, or abbot, would he receive any thing from the domain of the church, or from the tenants thereof, till the ſucceſſor ſhould enter upon it.* Yet there is great reaſon to believe, that before the end of his reign the feudal notions prevailed to the abolition of this law, except with regard to the ſimony, by ſome ſtatute now loſt. It appears by the great roll, which

P. 678, 679. ad ann. 1089.

See Giannone Hiſt. de Napol. l. x. c. 12.

V. Petrum Bleſenſ. ſupra, p. 111. ad ann. 1100.

See the charter in the Appendix to the firſt vol. n. IV.

is

is called the fifth of King Stephen, but which evidently belongs to the latter years of his predeceſſor (as Mr. Madox has proved) that the revenues of theſe dignities were let out to farm, during the time of a vacancy, by Henry the Firſt, as they had been by William Rufus. Stephen indeed, by his ſecond charter, promiſed to put all vacant ſees, with the poſſeſſions belonging to them, into the hands of the clergy, or perſons belonging to the church, till the vacancy was ſupplied; but he paid no regard to this promiſe; and though Henry the Second confirmed his grandfather's charter, he did not act in this inſtance conformably to it, but aſſerted his right both to the cuſtody and profits of the ſees, which were held of his crown, by one of the conſtitutions of Clarendon: I ſay aſſerted his right, becauſe thoſe ſtatutes were only made in affirmance of the law and cuſtoms of the kingdom, as they had been eſtabliſhed in the time of his grandfather, King Henry the Firſt. Nor do we find by any letters, or other evidence of thoſe days, that the repugnancy of this claim to the charter of that prince was ever objected by Becket, or any of his adherents, who would hardly have failed to remark it, and avail themſelves of it, againſt the proceedings at Clarendon, if they had not known that a ſufficient and undeniable anſwer could be made to the charge. It muſt be likewiſe obſerved, that the crown was left in poſſeſſion of theſe eſcheats, by the great charter of King John, and by thoſe of his ſon. It may therefore well be preſumed, that this part of the charter of King Henry the Firſt had been abrogated by ſome ſtatute enacted in his reign, which Henry the Second, notwithſtanding the general confirmation he had given to that charter, renewed and enforced, with the conſent of his parliament, by the conſtitutions of Clarendon, which will be particularly treated of in the following book. Of what value the eſcheats of ſpiritual baronies were to the crown, in thoſe days, may be judged from the number which it appears

V. Diſſertat. Epiſtol. De M. Rotulo Scaccarii.

See this charter in the Appendix to the firſt volume, numb. VII. p. 536.

pears by the rolls were in the hands of this king, in the ſixteenth, nineteenth, and thirty firſt years of his reign; namely, in the ſixteenth one archbiſhoprick, five biſhopricks, and three abbies; in the nineteenth one archbiſhoprick, five biſhopricks, and ſix abbies; and in the thirty firſt, one archbiſhoprick, ſix biſhopricks, and ſeven abbies. It appears that the biſhoprick of Lincoln was kept vacant for eighteen years together; the reaſon of which I ſhall have occaſion to mention hereafter. But I would obſerve here, that as it was ſcandalous, and detrimental to religion, to let the ſpiritual baronies remain long unſupplied, ſo it was likewiſe againſt the policy of the ſtate, not to enfeoff other barons in the temporal baronies, eſcheated or forfeited to the crown. For, though the tenants of ſuch baronies continued to pay the ſame ſervice to the king as they had done to the baron, yet the baronial ſervice itſelf was loſt, till a new feoffment was made; and in the performance of that ſervice the whole ſtate had an intereſt, as well as the king. The ſame may be ſaid, in an inferior degree, of forfeited or eſcheated knights-fees. And therefore when writers ſay, that the lands of the crown were inalienable, it muſt be underſtood only of thoſe *in ancient demeſne*, not of theſe incidental or caſual poſſeſſions. Mr. Madox takes notice, that when prelacies were vacant, and in the hands of the king, he uſed to have, as immediate lord, the reliefs, wardſhips, &c. of the military tenants holding of ſuch prelacies, together with other profits ariſing from the eſtates. And he was likewiſe entitled, during vacancies, to the cuſtody of prelacies founded by private lords, in caſe he had the heirs of thoſe lords in wardſhip. The famous ſtatute of proviſors, made in the twenty fifth year of King Edward the Third, declares, that not only the king, but earls, barons, and other nobles, *comme ſeigneurs et advowés*, as lords and patrons, ought to have the *cuſtody* of the prelacies founded by themſelves or their anceſtors, as well as the *preſentation* and *collation*. The crown had therefore, in the times of Henry the Second, a double title

See Madox's Hiſt. of the Exchеq. c. 10. p. 209 to 212.

Hiſt. of the Exchеq. c. 10. p. 207.

Ibidem, p. 208.

to

to ſuch cuſtody, namely *the feudal right* ariſing from the vacant ſee being regarded as the eſcheat of a barony, and *the right of patronage* which aroſe from the epiſcopal ſees, and many of the principal abbies, having been originally parts of the demeſne of the crown, and *of royal foundation*. This laſt was by many ages anterior to the other; nor was it ever queſtioned in this country, till the ſee of Rome had encroached on all the rights of our monarchy in eccleſiaſtical matters. I may add, that from the intereſt, the whole community had in maintaining the prelacy of the kingdom, it ſeems to have been an inherent prerogative of the king, to take care of the temporalities of epiſcopal ſees, upon the deceaſe of the biſhops, till proper ſucceſſors were appointed. But the enjoyment of the profits of them was no part of that ancient prerogative; the claim to this being entirely derived from feudal notions, and by many of our princes much abuſed.

Great profit, as well as power, aroſe to the crown from the wardſhip and marriage of it's vaſſals. Some inſtances of this are cited, by Mr. Madox, from the rolls. In the twenty ſecond year of King Henry the Second, Thomas de Colvill gave that prince one hundred marks, to have the cuſtody of the children of Roger Torpel and their land, until they came to their full age. In the twenty eighth of that reign, Odo de Dammartin gave five hundred marks for the cuſtody of the ſon and land of Hugh the king's butler: and in the twenty ninth Celeſtia, late wife to Richard Fits-Colbern, gave forty ſhillings, that ſhe might have her children in wardſhip, with their land; and that ſhe might not be married except to her own good liking. It is probable ſhe gave ſo ſmall a ſum, becauſe the eſtate was not a great one. But the higheſt payments of this nature which I meet with in the rolls, till after the thirty firſt year of Henry the Third, were made to that king, by John earl of Lincoln, and by Simon de Montfort; the former of theſe having given three thouſand marks, to have the marriage of Richard de Clare, for the benefit of Matilda,

Hiſt. of the Exchequer, c. 10. p. 221, 222, 223.

Matilda, his eldeſt daughter, and the latter ten thouſand to have the cuſtody of the lands and heir of Gilbert de Unfranville, until the heir's full age, with the heir's marriage, and with advowſons of churches, knights-fees, and other pertinencies and eſcheats. Ten thouſand marks containing then as much ſilver in weight as twenty thouſand pounds now, and the value of ſilver in thoſe days being unqueſtionably more than five times the preſent value, this ſum was equivalent to a payment of above a hundred thouſand pounds made to the Exchequer at this time. The length of the cuſtody may perhaps have added to the price; but the eſtate muſt have been a vaſt one to anſwer ſuch an advance; and I mention it as a proof of the great opulence of our nobles in the age I write of, as well as to ſhew how large a revenue might ariſe to the crown from caſualties of this ſort.

See the note on the value of money in the Notes to the firſt vol.

In treating of the ſheriffs or viſcounts, it has already been mentioned, that it was uſual for our kings, at this time, to commit the ſeveral counties of England to the cuſtody of thoſe officers, or let them out in farm to them or other perſons. The committee or farmer accounted to the Exchequer for the profits; which made a great branch of the annual revenue. For inſtance, in the reign of Henry the Second, Wimar, one of his chaplains, who had farmed of him the two counties of Norfolk and Suffolk, paid, on that account, into the treaſury, or by charges allowed to him, above five hundred and forty pounds, equivalent to a payment of eight thouſand one hundred pounds in theſe days. The cities, towns, burgs, and villages, which were in the hands of the king, either as parts of his demeſne, or by eſcheats and forfeitures, were alſo commonly let to farm, and anſwered for to the crown, in the times of which I write, either by the ſheriff, as included in the body of the county wherein they lay, or ſuperadded to it; or by the inhabitants

Madox's Hiſt. of the Exchеq. c. 10 p. 225.

Ibidem, p. 226, et ſeq.

thereof, either in their own names, or in that of their *præpoſitus*, or reeve. What this revenue might amount to annually may be judged from the payment made in Henry the Second's time by Robert Fits-Sawin for the farm of the borough of Northampton, viz. one hundred pounds. The ſame farm in the next reign was raiſed to one hundred and twenty pounds, being then committed to two perſons, who are ſtyled in the Exchequer roll *præpoſiti* of that town. Some profits aroſe from the farms, or yearly payments, made to the crown, by gilds of tradeſmen, in ſeveral towns of England. For example, in the eleventh year of King Henry the Second, the bakers of London paid ſix pounds for the farm of their gild, and the ſame ſum in the fifteenth and twenty fourth. Of the like payments made by weavers, in many cities and towns, notice has been taken in what was ſaid of the woollen manufacture during the reign of this king.

Ibid. p. 227. et ſeq.

Ibid. p. 231, et ſeq.

Of cuſtoms, or duties on merchandiſes, imported or exported, I find in the rolls but little evidence during the times which I write of. But, in the nineteenth year of Henry the Second, it appears that Oſbert de Brai, farmer of Windſor, accounted for four pounds ſix ſhillings and ſix pence, ariſing by the cuſtoms of ſhips or barges, paſſing along the Thames. And in the eighth year of Richard the Firſt, the chamberlain of London accounted for four hundred and twenty nine pounds ariſing in two years from the fines and diſmes paid by merchants for tin and other merchandiſes, in the port of London, and ninety ſix pounds and half a mark paid in fines by other merchants, for leave to import woad and ſell it in England. Another chamberlain accounted, in the tenth year of that king, for ſeveral fines paid by merchants, for leave to export wool and hides. Whether theſe, or another impoſition called *priſage*, which appears to have been paid to him, had been alſo paid to his father, I find no certain proof, Priſage was a liberty of taking from every ſhip, that

See Madox's Hiſt. of the Exchequer. c. 18. p. 531. 532. Mag. Rot. 8 R. I. B.

See Hiſt. of the Exchequer. c. 18. p. 525, 526.

held twenty tuns of wine, two tuns, one before and one behind the maſt, at the rate of twenty ſhillings each; ſo that the king had a pre-emption in a tenth at his own price.

See Gilbert's treatiſe on the Excheq. c. 15. p. 205.

Mention has been made of the aids, which, in virtue of the feudal law, were due to the king from his vaſſals, and from inferior lords to theirs, during the times of which I write. As they made incidentally a large addition to the royal revenue, it will be neceſſary to ſay ſomething more of them here. The aid to King Henry the Second, for marrying his eldeſt daughter to the duke of Saxony and Bavaria, was collected by an impoſition of one mark on each fee holden immediately of the crown, or that was in the hands of the king by eſcheat or wardſhip. It was alſo paid by the towns and lands which he held in demeſne. According to Henry of Huntington and Roger Hoveden, (whom I quote on this point, becauſe no record of it is extant in the Exchequer) King Henry the Firſt, when his daughter was married to the emperor, levied this aid by a charge of three ſhillings a hide on all the lands of England. But theſe muſt be underſtood to be lands that were holden of the crown.

See Madox's Hiſt. of the Excheq. c. 15. p. 400, et ſeq.

V. Hunt. l. vi.

Mr. Madox ſays, in his Hiſtory of the Exchequer, that, for the levying of the aid to marry the eldeſt daughter of King Henry the Second, the barons and tenants in chief were commanded to certify to that prince, what fees they had, how many of the old feoffment, and how many of the new, and of whom they were holden: whereupon many of the barons, and tenants in chief who had large ſeigneuries, made certificates of their fees, which were called *Cartæ Baronum*, and were ordered to be laid up and preſerved in the Exchequer. The originals of theſe, except one from the biſhop of Chicheſter, are now loſt. But they are entered, together with the names of ſome who ſent no certificates, in the Red Book of the Exchequer, compiled by Alexander de Swereford in the reign of Henry the Third. It is obſerved by Mr. Madox, that the biſhop of Durham was charged to this aid with

See Hiſt. of the Excheq. c. 15. p. 400, 401, 402, 403.

Baronia, Book I. p. 122. Hiſt. of the Exchеq. c. 15. p. 404.

ſeventy knights-fees, whereof he acknowledged but ten; and it likewiſe appears by the rolls, that the archbiſhop of York diſallowed twenty three and a half, out of forty three and a half, wherewith he was charged. The number of knights-fees that belonged to the honor of Richmond could not be diſcovered. The abovementioned author accounts for theſe uncertainties in this manner. He ſays, "that when the ſummons *ad habendum ſervitium* had been iſſued, ſeveral of the barons and knights would appear before the conſtable and mareſchal of the king's hoſt, and would proffer one half, a third, or may be a ſmaller part of their due ſervice. The conſtable and mareſchal, for want of better information, oftentimes admitted theſe unfair proffers, being, probably, in haſte to complete their army, and march againſt the enemy." But I would obſerve, that the certificates, called *Cartæ Baronum*, muſt, in the reign of this king, have remedied an abuſe ſo prejudicial to the crown; as, doubtleſs, enquiry was made, by the barons of the Exchequer, into the reaſons aſſigned for the difference in the numbers of the fees allowed or diſallowed by the parties concerned. And Mr. Carte has clearly proved, that this inquiſition was begun before the marriage of the daughter of Henry the Second to the duke of Saxony and Bavaria. Indeed this monarch was too careful, both of the revenues of his crown, and of the military ſtrength of his kingdom, to permit ſuch a fraud to continue; and the ſubſequent encreaſe of it was owing to the negligence and ill government of the three ſucceeding kings, who, by departing from his principles and methods of policy, weakened and almoſt ſubverted the whole ſtate of the realm. The aid to Henry the Third, for marrying his eldeſt daughter, was twenty ſhillings per fee, inſtead of a mark, which it has been ſhewn was the aſſeſſment under Henry the Second. And it appears by a record, that forty ſhillings were granted out of every knight's-fee to Edward the Firſt, on a like occaſion, by common aſſent of the barons and other nobles of England; yet with a proviſo,

Baron. book I. c. 6. p. 115.

See Carte's Hiſt. vol. i. p. 574. Dicet. Collec. 536. M. Paris. ſub ann. 1163.

See Hiſt of the Exchеq. c. 15. p. 412.

18 Edw. I. Rot. 14. Hiſt of the Exchеq. c. 15. p. 416.

proviſo, that this grant ſhould not turn to their prejudice, but ſo that, for the future, an aid to be granted in the like caſe might be encreaſed or leſſened, as they, at the time, ſhould think meet. I find no account of what was taken by Henry the Second for another feudal due, viz. on the making his eldeſt ſon a knight. But Mr. Madox has ſhewn, from the records of the Exchequer, that forty ſhillings were granted to King Henry the Third from every knight's fee on that occaſion. It muſt be remarked, that neither of theſe aids were demandable from lands holden in frank almoigne or ſoccage. There were other aids paid to the crown of a different kind from theſe. For inſtance, in the fourth year of King Henry the Second, a *donum* was paid for counties, cities, towns, or burghs, and likewiſe by the barons and knights for their reſpective fees, and perhaps for other lands. This produced a great ſum; for the city of London alone paid to it one thouſand and forty three pounds. The county of Lincoln paid two hundred, the county of Somerſet one hundred, the county of Eſſex two hundred marks of ſilver, and the county of Kent fourſcore pounds. The biſhop of Bath paid five hundred marks, the abbot of St. Albans one hundred. It would be tedious to mention all; but I obſerve that there is a great inequality in the payments; which probably aroſe from theſe *dona* being conſidered as benevolences, and therefore not levied according to any ſettled rate, but to the will of the giver. Several others were paid during the reign of this king. Mr. Madox ſays, in his hiſtory of the Exchequer, that, in the times I write of, the word *donum* was uſed with great latitude, ſignifying in general, according as it was applied, either aid, ſcutage, or tallage. But I believe that it never ſignified ſcutage in the ſenſe of a commutation for military ſervice, but only as being paid by the military tenants and out of knights-fees. Of that commutation a great deal has been ſaid before in this hiſtory, and in the notes to this book. I ſhall only add here, that this part of the revenue could

See Hiſt. of the Exchequer, c. 15. p. 414, 415.

Ibidem, c. 17. p. 481, 482.

Ibidem, c. 15. p. 419, 420.
Ibid. p. 480.

could not be levied for any civil uſe, but was appropriated to thoſe ſervices of a military nature, for which the feudatories who paid it were permitted to commute. But the *dona* ariſing from knights-fees do not appear to have been appropriated to military ſervices, or to have been rights, or neceſſary incidents, of feudal tenure. Henry the Second had no war in the fourth year of his reign, when the abovementioned *donum* was paid to him by his barons and knights for their fees. And I can hardly doubt that, in his time, ſuch aids were granted by parliament.

See Hiſt. of the Exchеq. p. 482.

Ibid. p. 502.

Ibid. p. 492.

As for tallage, it appears that it was payable to the king from his manors in demeſne. Thoſe that were in his hands, as eſcheats and wardſhips, were likewiſe talliated by him, and great ſums were raiſed from them, as well as from the former. But it is obſervable, that the payments made by cities, towns, or burgs, when the demeſne lands paid tallage, were frequently entered on the rolls, *de dono*. Whether this imported any diſtinction in the nature of the payment I cannot determine. In other rolls the word *aſſiſa*, which ſignifies an aſſeſſment, is made uſe of, and in ſome *tallagium*. Lands holden *in frank almoigne*, or holden *by knights-ſervice*, were exempt from tallage. On this privilege of the latter it will be neceſſary to make ſome obſervations. That it was acknowledged to belong to them in the reigns of King John and his ſucceſſor appears undeniably, from the records of thoſe reigns, which Mr. Madox has cited on this ſubject. For example, it is declared in the roll of the firſt of King John, that the town of Wicomb was charged with thirty pounds and eight pence for tallage; but the grand juſticiary and the barons of the Exchequer determined, that this manor ought not to be talliated, becauſe Alan Baſſet did knight-ſervice for it; as appeared by his charter. And there is other evidence as concluſive for a like admiſſion of this privilege to thoſe who held by the ſame tenure under King Henry the Third.

Ibid. c. 17. p. 480 to 487.

Ibid. p. 512.

Ibid. p. 513.

But

But I muſt obſerve, that by two laws of William the Conqueror, which have been mentioned before, and which are recited in the Appendix to the firſt volume of this hiſtory, the ſame exemption is granted to *all the freemen of the kingdom*. And both theſe laws ſeem to refer to a preceding ſtatute, now loſt, by which the feudal policy of the Normans had been eſtabliſhed in England. Nevertheleſs, in the charter of King Henry the Firſt, the *military tenants alone* appear to be exempted from ſuch impoſitions, and the exemption is granted only *to the lands they hold in demeſne*. Whether this difference aroſe from any other ſtatute, made by William the Firſt after the two abovementioned, or from a narrow and unfavourable conſtruction thereof, by a ſubſequent uſage, I cannot ſay. But in the rolls of the 40th year of Henry the Third I find two inſtances of a right of exemption from tallage allowed to perſons, who do not appear to have held by any military tenure; the records ſaying only, that one of them held *in capite*, and that the other was enfeoffed of a freehold (*liberè feoffatus*). Mr. Madox indeed tranſlates theſe words *enfeoffed in chivalry*, but by what authority I do not ſee; ſince it is certain that there were vaſſals, who were *libere feoffati*, and yet did not hold in chivalry. On the other hand, a record is cited by the ſame author, which ſhews that, *after great diſputes*, the mayor and citizens of London, in the thirty firſt year of King Henry the third, acknowledged that they were talliable, and gave the king three thouſand marks, which he had demanded of them, in conſequence of a decree of his council at Merton, that he ſhould talliate his demeſnes, to anſwer the great expences he had been at in foreign parts. It does not appear that this council was a full parliament. But the record ſays, that they offered in it to give two thouſand marks *by way of aid*, and declared poſitively, *they could and would give no more*. But afterwards, in a council holden at Weſtminſter, the only diſpute was, whether the ſum demanded

Vid. Leges Gul. I. 55. 58. in Appen. l. i. vol. i. num. II. p. 524, 525.

See Appendix, ut ſupra, numb. IV. p. 532.

See Hiſt. of the Exchequer, c. 17. p. 513. Notes d. e. Robert de Holt, Richard de Wygeden.

Ibid. p. 491.

manded by the king ſhould be given as an *aid*, or as *tallage*: which was decided by the rolls of the Exchequer and the Chancery, from whence it was proved, that they had before been talliated; but the evidence went no higher than the ſixteenth of King John. I am apt to believe, that till that time they had been exempt from tallage; but had paid aids and free gifts, *auxilia* and *dona*. However this may have been, it is declared moſt explicitly, by King Edward the Firſt, in his *confirmations of the charters*, that the aids, free gifts, and other impoſitions irregularly taken or levied by him or his miniſters, before that time, for his wars or other neceſſities, *ſhould not be drawn into precedent becauſe they might be found recorded in the rolls:* and he therein grants to the nobility and commonalty of the realm, that, for the future, he would not, for any neceſſity whatſoever, take any ſuch aids, or impoſitions, *without the common aſſent of the whole kingdom, and to the common benefit thereof*; with a reſerve of the *ancient aids and impoſitions due by cuſtom*. What theſe were I have ſhewn before, namely the aids allowed by the great charter, for redeeming the perſon of the king from captivity, for marrying his eldeſt daughter, and for knighting his eldeſt ſon. As for *danegeld*, on what occaſions, and in what manner, it was levied, has been already ſet forth. It will be ſufficient to add here, that in all or moſt of the accounts thereof, delivered to the Exchequer in the ſecond year of King Henry the Second, a large deduction is made under the terms *in waſto*, which Madox rightly aſcribes to the deſolation of the country by the civil war in the reign of Stephen.

Ibidem, p. 479.

Another very conſiderable ſource of wealth to the crown aroſe from fines, or *oblata* (that is, voluntary proffers of money made to the king) and amercements for offences. Manifold fines were paid for grants and confirmations of liberties and franchiſes. For example, in the reign of King Henry the Second, the burgeſſes of Bedford fined in forty marks, to have

See Hiſt. of Exchequer. c. 11. p. 273, 274.

the

the ſame liberties as the burgeſſes of Oxford. The burgeſſes of Shrewſbury fined in two marks of gold to have their town at farm. The men of Preſton gave a hundred marks of ſilver to have the ſame liberties as the men of Newcaſtle: the burgeſſes of Cambridge three hundred and one of gold, to have their town at farm, and be exempt from the ſheriff of the county's intermeddling. Robert, the ſon of Buſtard, fined in ten marks of ſilver, for a confirmation of his privileges, and that he might not be impleaded, except before the king, or his juſticiary. Theſe few inſtances are ſufficient to ſhew the nature of ſuch payments, and to what the value of them might amount upon a great number collectively. Mention has been made in another place of fines paid to the king, by thoſe who held of him in chief, for licence to marry, or that they might not be compelled to marry againſt their inclination. Some notice has been alſo taken of fines relating to trade or merchandiſe; particularly of thoſe that were paid by gilds of weavers, in many parts of England. Theſe were an incumbrance upon traffick; but not a very grievous one in the times of which I write: for it does not appear that any of the payments were exceſſive, till after the deceaſe of Henry the Second. A great number of perſons fined in conſiderable ſums to obtain the favour of the king, or to induce him to remit his anger and diſpleaſure. For example, in the reign of Henry the Second, Gilbert, the ſon of Fergus, is charged in one of the rolls, as debtor to that prince of nine hundred and nineteen pounds, nine ſhillings, for obtaining his good-will; and William de Chataignes in another, as owing one thouſand marks, on account of Henry's remitting his anger againſt him, and confirming his charters. But the moſt enormous of theſe payments, recited by Mr. Madox, in his Hiſtory of the Exchequer, is in Henry the Third's reign, when the citizens of London fined in twenty thouſand pounds, more than equivalent in thoſe days to three hundred thouſand in theſe, for obtaining the good will of that monarch.

Hiſt. of the Exchequer, p. 327.

P. 329.

It would be tedious to enumerate every other ſpecies of fines, which continually brought money into the Exchequer, for the aid, the protection, or mediation of the crown, in various caſes. The worſt of all, and which are a ſcandalous diſgrace to the government in the times of which I treat, were thoſe that interfered with law-proceedings and the juſtice of the kingdom. Even in the reign of Henry the Second, we have inſtances of fines being paid to the king from ſeveral of his ſubjects, for ſtopping or delaying of pleas, tryals, and judgements; or for expediting and ſpeeding them; or to have ſeiſin or reſtitution of their lands or chattels; or that they might not be diſſeiſed; or to be replevied or bailed; or to be quit of certain crimes, or certain methods of trial; (as, for inſtance, by hot iron,) or to have the aſſiſtance of the king in recovering their debts. Mr. Madox is of opinion, that the clauſe in *Magna Carta*, "*Nulli vendemus, nulli negabimus, aut differemus rectum vel juſticiam*," had a reference to theſe fines. And he obſerves from the records of ſubſequent reigns, that it ſeems to have had its effect. I underſtand thoſe words to have had a higher and more extenſive ſenſe, though this practice may have fallen within the purport of them: but however that may have been, the iniquity of it was certainly carried much further, by the ſons and grandſons of Henry the Second, before the charters were eſtabliſhed, than during his reign. And he had the example of his grandfather, Henry the Firſt, a juſt and wiſe prince, as well as of other feudal governments over all parts of Europe, to plead in defence of theſe profits ſo diſhonorable to the crown. There were likewiſe *concurrent fines*, and *counter-fines*; the firſt, when both parties, concerned in any matter, fined to obtain the ſame thing; the laſt, when their requeſts or applications to the crown were directly oppoſite. But, upon conſidering the records, it appears to me, that although money was paid by each ſuitor, it was always returned to the party that was unſucceſsful in the ſuit. Many fines were paid for permiſſion to hold or quit certain offices. Others are mentioned by Mr.

See the Hiſt. of the Exchеq. c. 12, 13.

Ibidem, c. 12. p. 314.

P. 315, 335.

Mr. Madox, under the title of *miſcellaneous*, as not being reducible to any claſs or general head. Of theſe I do not find any, in the times contained in this hiſtory, worth particulariſing here: but he recites one, under the reign of King John, which is of a ſingular nature. The wife of Hugh de Neville fined to that monarch in *two hundred hens*, that ſhe might lie one night with her huſband; but the diſtreſſed lady not being able to provide them immediately, her huſband was pledge for the payment of one hundred of them, and Thomas de Sandford for the other hundred, within a limited time. It is probable that either Hugh de Neville, or his conſort, was a ward of the crown, and had married without the king's conſent. Other inſtances might be produced from the rolls of the Exchequer in the ſame reign, that no profits were thought below the acceptance of the king, and that he exerciſed a kind of ludicrous tyranny in this traffick with his ſubjects: but theſe muſt rather be imputed to the character of the man than to the law or cuſtom of the times.

P. 325.

P. 326. a.

We learn from the dialogue *de Scaccario*, written in Henry the Second's reign, that when a fine of a hundred marks was offered to the king, a mark of gold was at the ſame time to be paid to the queen, and ſo in proportion for all above that ſum: but whether any thing was due to her, upon the proffer of a fine below that ſum, was then matter of doubt. The origin of this demand was, I preſume, a ſuppoſition, that, as fines were given for ſome favour requeſted of the king, or in mitigation of ſome penalty or burthen laid on the ſubject, the queen's good offices with him ought to be purchaſed by the ſuitor.

L. ii. c. 26.

Amercements for offences produced vaſt ſums. The ſubject is too extenſive to allow me to enter into particulars; and I ſhall have occaſion, in a ſubſequent part of this work, to take notice of ſome records relating to amercements in the Hiſtory of the Exchequer, when I ſhall treat more diſtinctly of the criminal law of England during the times of which I write. It will be ſufficient here to ſay, that only from

Hiſt. of the Exchequer, p. 272.

treſpaſſes in the foreſts an ample annual revenue accrued to the king, and much more from the great variety of other miſdemeanours, defaults, and treſpaſſes, for which, by the law of thoſe times amercements were due, or for which compoſition was made by fines. But before I conclude this account of the royal revenues, a particular view muſt be given of the ſtate of the Jews in England, from the reign of William the Conqueror to that of Henry the Second, incluſively. The religious notions of the times, and laws founded thereupon, forbidding uſury to all Chriſtians, and not diſtinguiſhing between that and a reaſonable intereſt for money upon loans, without which neither commerce could well be carried on, nor the ſudden exigences of the government, or of particular perſons, be ſupplied, the Jews were neceſſary, as money-lenders; and a great number of them were ſettled in the principal cities and towns of England, under the ſpecial protection of the crown. That they had been here ſeveral centuries before the entrance of the Normans, (though probably not in ſo great a number) ſeems to be proved by a canon publiſhed by Ecgbriht archbiſhop of York, in the year 740, which forbids any Chriſtians to be preſent at the Jewiſh feaſts. Yet we have little account of them during the Saxon times, or in the reign of William the Conqueror: but the contemporary hiſtorians are full of indignation againſt William Rufus, for favouring them too much: and indeed, if the tales they tell are true, there was great indecency and impiety in his proceedings. We may at leaſt conclude from thence, that he ſhewed more kindneſs to the Jews, than the temper of the age would well bear. It appears by a charter granted to them in the ſecond year of King John, that they had alſo received charters from Henry the Second and Henry the Firſt. The preamble of it runs thus: "Know "that we have granted to all the Jews of England and Nor-"mandy, to reſide *freely* and *honorably* in our land, and to "hold of us every thing *which they held of King Henry*, "*the*

See Coke's Inſtitut. P. II. Stat. of Merton, c. 5. p. 89. Glanv. l. vii. c. 16.

See Hiſt. of the Excheq. c. 7. p. 174.

" *the grandfather of our father*, and all which they now right-
" fully or reaſonably hold, in lands, in fiefs, and in their
" pledges, or purchaſes; and to enjoy all their liberties and
" cuſtoms, as well, as quietly, and as *honorably*, as they en-
" joyed them in the time of the aforeſaid king our grand-
" father." The following articles of the charter contain very conſiderable privileges, which the reader may ſee in the Appendix to this book. Four thouſand marks were given by all the Jews of England for *this confirmation of their charters*, as it is ſtyled in the record of that payment. But this did not prevent very grievous and tyrannical oppreſſions of them, in that and the following reign. They ſeem to have been treated much more favourably by the five firſt kings of the Norman race. To Henry the Second indeed they paid, by way of tallage, a fourth part of their chattels, in the thirty third year of his reign; which was a heavy impoſition: but it was for the recovery of the Holy Land, to which all his ſubjects contributed in an extraordinary manner; and one cannot wonder that this people ſhould be taxed higher than the reſt on ſuch an occaſion. The former demands upon them, in this reign, appear not to have been great. Yet by fines and *oblata*, or by amercements for treſpaſſes, they were very profitable to the crown. In the twenty third year of this king, Jurnet the Jew fined in two thouſand marks, another Jew in three thouſand, and another in five hundred pounds. We alſo find that, in the thirty firſt of the ſame reign, the whole body of the Jews ſtood charged with five thouſand five hundred and twenty five marks, and half a mark, for the amercement of the abovementioned Jurnet; and they were to have his effects and charters, to enable them to pay it. This man muſt have been immenſely rich: for ſoon after the diſcharge of this amercement, in the fifth year of King Richard the Firſt, he gave to that monarch a fine of eighteen hundred marks, for leave to reſide in England with his good-will. In the reign of Henry the Third the exactions from the Jews were

Ibidem, p. 155. Oblata 2 John. M. 3.

Ibidem, p. 151. c. 7.

Ibidem, p. 153, 154.

P. 155.

were prodigious. One ſingle tallage laid upon them, about the twenty ſeventh or twenty eighth year of that king, amounted to no leſs than ſixty thouſand marks. Putting the value of ſilver in thoſe days at only five times above the preſent (and it ſhould, I believe, be put higher) this ſum will be equivalent to ſix hundred thouſand pounds in theſe times; as every pound contained the weight of three of our's. The uſury of the Jews muſt have been enormous, and their profits in traffick very great, to enable them to bear ſuch impoſitions without abſolute ruin. Indeed, (to uſe the words of Mr. Madox) "as they fleeced the ſubjects of the realm, ſo the "king fleeced them." Probably, in the reign of Henry the Second, when they were much leſs harraſſed by the government, they contented themſelves with a lower intereſt for the uſe of their money. There was a particular place appointed for the management of the revenue ariſing from this people, called the Exchequer of the Jews, which was a part or member of the Great Exchequer. Certain perſons were aſſigned to be curators of this revenue. They were uſually ſtyled *cuſtodes* and *juſticiarii Judæorum*. Mr. Madox ſays, "that *in the more* "*ancient times* there were commonly Chriſtians and Jews ap- "pointed to act together in this office. Afterwards they "were, for the moſt part, Chriſtians only." By *the more antient times* I underſtand he means thoſe which are treated of in this work. Upon the whole it ſeems, that the revenue annually accruing to the crown from all theſe different branches, excluſive of it's demeſne, or ancient landed eſtate, was at leaſt equal to that in value. But from what has been ſaid on the nature of them this obſervation will occur, that it is a point of good policy, and of great benefit to a kingdom, that whatever is neceſſary for the maintenance of the honor and dignity of the crown ſhould be ſupplied by a fixed and ſtated income, inſtead of ariſing from a variety of incidental profits, which can hardly ever be taken without ſome diminution of the majeſty of the ſovereign, ſome vexation to the people, ſome incon-

Hiſt. of the Excheq. c. 7. p. 152, 153.

P. 150. c. 7.

Hiſt. of the Excheq. c. 7. p. 157.

venience or detriment to trade and commerce, or ſome offence to juſtice.

Of the manner of paying out, or iſſuing the king's money, I ſhall give a few inſtances from Mr. Madox's Hiſtory of the Exchequer, which at the ſame time will exhibit ſome curious particulars of the way of living in thoſe times, of the magnificence and liberality of our princes, and of the produce and traffick of the country. In the reign of Henry the Firſt an allowance was made to the ſeveral ſheriffs of Staffordſhire, Northamptonſhire, and Leiceſterſhire, for mead and beer provided by order of the king; for money delivered to his vinedreſſer at Rockingham, and for neceſſaries for the vineyard. In different years of King Henry the Second's reign allowances were made to the officer who farmed Windſor of that prince, for wine, perry, and cyder; to the farmer of the town of Hampton, for wines, and the carriage of them; which wines were choſen by the king's butler, and ſent to ſeveral of the king's houſes, namely, at Fekenham, Nottingham, Gattinton, Woodſtock, Malborough, Titgrave, Luggerſhall, and Clarendon; and to the ſheriff of Hampſhire for corn, barley, and honey, to make ale with, for the uſe of the king's ſon-in-law, the Duke of Saxony. For the helmet and belt of this monarch, and for furbiſhing and gilding his ſwords, and for work done upon the points and hilts of them, the ſheriffs of London diſburſed, in the fifth and the eighteenth year of his reign, nineteen pounds, and odd money, equivalent in thoſe days to near three hundred pounds in theſe. They likewiſe paid twenty pounds, and upwards, in the firſt of theſe years, for a robe for the uſe of the queen; and, in the latter, fourſcore and eight pounds, odd money, for the coronation robes of the young king and of his queen, and eight pounds eight ſhillings for a riding dreſs and three ſilken cloaths for that prince. Richard, archdeacon of Poictiers, *cuſtos* of the biſhoprick of Wincheſter, diſburſed two hundred pounds to Oſbert clerk of the chamber, and other chamberlains, for the king's uſe upon his

Hiſt. of the Exchequer. c. 10. from p. 249, to 257.

his journey back from Ireland, and for the young king's *currody*, or maintenance, for three days before his coronation, and on the coronation day. For the entertainment of the king of Scotland ſixteen days, the ſheriff of Yorkſhire diſburſed a hundred pounds, and odd money, in the third year of this reign. Among other articles for the uſe of King Henry the Second and his family, mention is made of linnen napkins, and linnen garments; of the ſkins of mountain cats, of martins, and ermins; of red, ſcarlet, and green cloths; of ſilken garments, ſilken caps, dalmatiques, and tunicks. In one of the rolls there is a charge of ten pounds, ſix ſhillings, paid to Joſeph the king's phyſician for ſpices and electuaries. I find no account of any painting in the palaces of this prince: but, in his grandſon's time, the ſheriff of Nottinghamſhire was ordered to cauſe the queen's chamber at Nottingham to be painted with the hiſtory of Alexander. It ſeems that the rooms of Henry the Second's palaces were generally hung with cloth. The ſeveral ſheriffs, and others who farmed the king's revenues in different parts of the realm, were likewiſe ordered to diſburſe conſiderable ſums for proviſions and expences relating to war, arms, garriſons, knighthoods, and the like. But it will be unneceſſary to enter into further particulars on this or other iſſues of the money of the crown. I will only take notice, that the forms and methods of accounting at the Exchequer, eſtabliſhed in that age, were ſo excellently contrived for the preventing of frauds, and for good order and regularity in the publick accounts, that they have continued unaltered even to this day, during the courſe of above five hundred years. The inſtitution of them is aſcribed to William the Conqueror; and the author of the dialogue *de Scaccario* ſays, he took the plan of them from the Exchequer in Normandy, yet with many differences, and even in points of great importance. The great power and dignity of the court of Exchequer, in thoſe times, is thus ſet forth by that writer: "The authority of this court is very eminent, as well

L. i. c. 4.

"in

" in reſpect of the image of the king impreſt on his great " ſeal, which is conſtantly kept in the treaſury, as of the per- " ſons who ſit there, by whoſe wiſdom the whole ſtate of the " realm is preſerved and maintained in ſafety. For there " reſides the king's chief juſticiary, who is next to the king " in juriſdiction; and all the greateſt men of the kingdom, " who are of his privy council, have alſo places there; that " whatſoever is decreed or determined in the preſence of ſo " auguſt an aſſembly may remain inviolable. But ſome ſit " there by virtue of their offices, and others only by the com- " mand of the king." He then tells us that the latter, who were generally perſons of the higheſt rank and moſt reputation for prudence, either of the court or the clergy, were occaſionally called to aſſiſt in the deciſion of nice and doubtful caſes. Mr. Madox obſerves, that before the end of King Henry the Third's reign the Exchequer fell in great meaſure from it's ancient grandeur, and from thenceforward continued in a ſtate of declenſion.

Hiſt. of the Exchequer. c. 20. p. 548.

In deſcribing the civil and political ſtate of England, from the coming in of the Normans to the reign of Henry the Second, incluſively, it will be neceſſary to ſay ſomething more of the condition of cities and boroughs within that period: and firſt of London—The charters granted to that city by William the Conqueror and Henry the Firſt have already been mentioned in a former part of this work. The reader may ſee them tranſlated into Latin in the Appendix to this book, together with another given to it by king Henry the Second. This laſt is a confirmation of all the liberties and free cuſtoms which they had in the time of his grandfather, King Henry the Firſt, with ſome additional benefits and immunities. It is without a date; but there is reaſon to place it, as Spelman does, in the firſt year of Henry the Second. I ſhall only obſerve upon it here, that, conſidering the attachment which the citizens of London had ſhewn to

Vid. etiam Wilkins Leges, p. 290. 235. 318.

Stephen, and the manner in which they had driven the empreſs Matilda from her palace at Weſtminſter, it is one of the ſtrongeſt proofs, both of the clemency of her ſon, and of his wiſe reſolution to appeaſe the troubles of his realm by a total oblivion of all paſt offences, that, inſtead of abridging their liberties, he ſo graciouſly confirmed and enlarged them. Of the ſtate of this city in his reign we have an account from Fitz-Stephen, a contemporary writer, which has ſome particulars that deſerve to be taken notice of here. According to him, it was then ſtrongly fortified on all ſides, except to the river, the tides of which had undermined and deſtroyed the ancient wall, that had been erected along it's banks or ſtrand. On the eaſtern ſide was the white tower, built by William the Firſt, which he calls *Arcem palatinam maximam et fortiſſimam*: on the weſtern were two other very ſtrong caſtles (viz. thoſe of Baynard and Mountfitchet) beſides the walls, which were high and thick, and, on the northern ſide, at proper diſtances, ſtrengthened with turrets. On this deſcription I would obſerve, that, in Henry the Second's reign, it was not neceſſary to repair the ruined wall of the city along the river, as there was no danger of an enemy's being able to ſail up it, after the tower and bridge were built. The ſame hiſtorian ſpeaks of ſeven double gates, which are ſuppoſed to have been Aldgate, Biſhopgate, Cripplegate, Alderſgate, Newgate, Ludgate, and the Poſtern near the Tower. He alſo deſcribes the royal palace of Weſtminſter, riſing high and ſtretching wide over the banks of the river, at two miles diſtance from London, with a continued ſuburb all the way, and calls it *an incomparable building*, defended by an outward wall and turrets. When this palace was built is uncertain; but the hall was added by William Rufus. Along the whole extent of this ſuburb were gardens of the citizens. To the north were open fields; and beyond theſe was a large foreſt, of which Endfield Chace is but a ſmall remainder.

V. Stephan. in Muſ. Brit.

See Maitland's Hiſt. of London, p. 15.

V. Stephan. et ſuprà.

remainder. Among the game contained therein Fitz-Stephen mentions wild boars. He alſo takes notice that it was full of yew trees, the growth of which was particularly encouraged in thoſe days, and for many ſucceeding ages, becauſe the wood of them was eſteemed the beſt for making bows. In reckoning up all the glories of the city, he ſays, that no other in the world ſent out it's wealth and merchandiſe to a greater diſtance; and among the imports brought thither, by foreign merchants trading to it, he mentions gold, ſpices, and frankincenſe, from Arabia; precious ſtones from the Nile; purple veſts from the Eaſt-Indies; oil of palms from Bagdat, or Babylon; furs and ermines from Norway and Ruſſia; arms from Scythia, or Tartary; and wines from France. He adds, that it was famous for the chaſtity of it's matrons, and that it's citizens were diſtinguiſhed above all others in England, by the ſuperior elegance of their manners, their dreſs, and their tables. But in the account he gives of the number of fighting men, who marched out of the city, upon a muſter made by King Stephen, he exaggerates moſt enormouſly: for he makes them ſixty thouſand foot, and twenty thouſand horſemen; whereas Peter of Blois, at that time archdeacon of London, in a letter to the pope, reckons all the inhabitants of that city at no more than forty thouſand. If there was any ſuch muſter, it muſt have contained the militias of Middleſex, Kent, and other adjacent counties, which may have been drawn together by that monarch, and united to the militia of London, on ſome occaſion, during the courſe of the civil war between him and the empreſs. But this hiſtorian is ſupported by the archdeacon's authority, in affirming, that there were in the city and ſuburbs a hundred and twenty ſix churches, beſides thirteen that belonged to convents. He ſpeaks of three ſchools, or rather colleges, appertaining to London, which, he ſays, were *of ancient dignity*, and wherein, by particular privilege, was taught not only grammar, but

Vid. P. Bleſ. epiſt. 151. ad Innocent. III. papam.

poetry, rhetorick, and logick; beſides which many other ſchools were occaſionally opened by perſons of note in philoſophy, who were encouraged to teach and read lectures. The deſcription given by this author of the military ſports of the citizens has been inſerted in a former part of this book. Among their diverſions in time of peace he mentions cock-fighting, and foot-ball; and ſays, that in ſummer, the young girls danced by moon-light to the muſick of the harp. In winter, the young men entertained themſelves after dinner, upon all feſtival days, with bear-baiting, bull-baiting, and combats of dogs with wild boars; or with ſliding and ſcating on the ice of a great pond, or lake, which was contiguous to the northern wall of the city. But the chief amuſement, wherein the greater part of the citizens employed their leiſure, was hunting and hawking, which they had a right to do in the counties of Middleſex, Hertford, and Kent, as far as the river Cray, and in all the diſtrict called the Chiltern. Fitz-Stephen tells us, that, inſtead of theatrical entertainments, they had repreſentations of the miracles performed by ſaints, and of the ſufferings of martyrs. It is obſerved by the author of a late excellent abridgement of the hiſtory of France, that a monk named Geoffry, who was afterwards abbot of St. Alban's, being entruſted in theſe times with the education of youth, cauſed a kind of pious tragedies to be repreſented before them, and that the ſubject of the firſt of theſe dramatick pieces was the miracles of St. Catherine. He likewiſe takes notice, that theſe ſpectacles, thus exhibited in this kingdom, were anterior, by more than a century, to the repreſentations of the myſteries in that of France. Fitz-Stephen ſays, that exceſſive drinking and frequent fires were the only peſts of London. The latter muſt have been partly occaſioned by the former, and partly by the houſes being moſtly built of wood. Yet there were ſome of ſtone, and of a handſome architecture, according to the taſte of thoſe days; for the ſame author affirms,

V. Stephan. ut ſupra.

Vid. Abregé Chronol. de l'Hiſt. de France. t. i. ſub ann. 1179, 1180.

V. Stephan. ut ſupra.

firms, that almoſt all the nobles of England, and particularly the biſhops and abbots, had fine edifices in that city, or in the ſuburbs thereof, where they made great expences, when they were ſummoned to parliaments or to ſynods. He calls London the capital of the kingdom of England; *(regni Anglorum ſedes:)* which title perhaps might have been formerly diſputed by Wincheſter, the royal ſeat of the Weſt-Saxons, and the place where the Norman kings had uſually kept their regalia and treaſure. But, the latter, having ſuffered a great diminution of it's ſplendour, in the civil war between Stephen and the empreſs Matilda, could no longer ſtand in competition with the former. The northern metropolis, York, was alſo much declined from it's priſtine greatneſs and opulence, by the devaſtations it had ſuffered in the reign of William the Conqueror, and by a fire, which had conſumed a part of it, in that of Stephen.

See Camden's Britannia. HANTSHIRE.

Ibidem, YORKSHIRE.

As many of the cities, towns, or boroughs, as were not portions of the ancient demeſne of the crown, belonged to the demeſnes of ſome ſpiritual or temporal lord, and were under his patronage and protection. But this tenure was no more a ſervitude, than any other ſoccage tenure, either under the crown or the barons. Nor were the charters granted to many towns by the kings of the Norman race, whereby they were declared to be *free boroughs*, charters of infranchiſement from a ſtate of ſlavery, as ſome have ſuppoſed, but grants or confirmations of certain privileges, exemptions, and favours; ſuch as freedom from tolls, and other impoſitions, which the reader may ſee enumerated in a charter of King John to the burgeſſes of Dunwich, cited by Madox in the eleventh chapter of the Hiſtory of the Exchequer, p. 276. from whence I have tranſcribed it, in the Appendix to this book. That author ſays, " that when the king granted liberties to any of his demeſne manors or towns, he was moved to it by two reaſons: One, the fine paid in hand; the other, the improvement, or (as they anciently called it) the amendment of

Hiſtory of the Exchequer. c. 11. p. 291.

of the manor or town." But it appears from the above-mentioned charter of King John, and ſeveral other records, that ſome of the towns, to which liberties of this nature were granted, were not only in a ſtate of freedom, but had *gilds* or trading communities, before ſuch grants were made to them. In ſome of theſe charters an exemption from tallage was accorded, in others a right to talliate them was expreſly reſerved. The tallages aſſeſſed upon the king's ancient demeſnes were more heavy than thoſe upon other perſons in the counties, and therefore petitions were made againſt ſuch impoſitions, when laid on thoſe who did not hold by that ſpecies of tenure. Thus, in the ninth year of Edward the Second, the men of the towns of Okham, Egilton, and Langham complained to the king, that, although their lands and tenements in thoſe towns were not of the ancient demeſne of the crown of England; and when the king's progenitors cauſed their demeſne lands to be talliated, they and their anceſtors were not wont to be talliated, but, in all aids granted to the king and his progenitors *by the community of the realm*, were wont to contribute *with the community of the county of Rutland*; yet lately, when the king aſſeſſed a tallage upon his demeſnes, in the ſixth year of his reign, they were talliated as tenants in ancient demeſne, and ſuch tallage was demanded of them by ſummons of the Exchequer. Whereupon the king commanded the barons of the Exchequer to inſpect Domeſday-book, and if they found thereby that the ſaid towns were not of the ancient demeſne of the crown, and that the men thereof had not been talliated in any former times together with the demeſne-lands, *but had always contributed to aids granted to the king's progenitors*, and to himſelf, with *the community of the ſaid county*, then to acquit them of the ſaid demand, and releaſe the diſtreſſes. It alſo appears by the rolls of parliament, in the firſt year of the ſame king, that when the *communities of the counties* had granted a *twentieth* part of their moveable goods, the *citizens*, *burgeſſes*,

See Tyrrel's Append. to the Hiſt. of Eng. vol. iii. p. 152, 153.

See Hiſt of the Exchequer. c. 17. p. 499. 500. f.

See Rot. Parl. 1 Ed. II. p. 1. M. 7. Tyrrel's Hiſt. of England, vol. iii. Append. p. 176.

and *communities of cities and burghs*, and alſo *the tenants of the ancient demeſne of the crown*, granted a *fifteenth*. Mr. Madox ſays, " that, as the king had tallage of his demeſnemen, ſo ſome ſubordinate or private lords had tallage of theirs: but that many of the lands which were talliable to private lords were ſuch as at one time or other moved from the king, and were wont to be talliated to him while they were veſted in the crown. As, when the king granted to a ſubject a demeſne manor or town, together with the homages, aids, tallages, and other profits thereof, to hold to the grantee and his heirs; in ſuch caſe the grantees and his heirs had power to talliate the men of ſuch manor or town to their own uſe, when the king talliated his demeſnes and manors throughout England; but not otherwiſe, or at other times." Upon the whole, the condition of citizens and burgeſſes holding of the crown in thoſe days was never worſe, but often better, by diverſe privileges and favours granted to them, than that of all it's other tenants in ancient demeſne, who held by free ſoccage: and the ſame may be affirmed of thoſe who belonged to private lords. Yet, that all have been brought into a more perfect and a more regular ſtate of freedom, by the re-aſſerting of ancient rights, impaired by ill practices, or by the application of feudal notions to the courſe of law in this kingdom, beyond what was authoriſed by the conſent of the nation in parliament, cannot, I think, be denied. From the firſt entrance of the Normans, till long after the times contained in this hiſtory, the power of reſtraining and curbing the royal authority was chiefly in the barons, who often connived at an irregular exerciſe of it, that they themſelves might be permitted, and even aided by the crown, in like acts of ſovereignty over their vaſſals, particularly with regard to tallages, and other ſuch impoſitions.

Hiſt. of the Exchequer, c. 17. p. 516.

Lord Hale obſerves in his Hiſtory of the common law of England, " that William the Firſt, after his victory, did, as all wiſe princes

P. 102, 103, c. 5.

" princes would have done, endeavour to make a ſtricter union " between England and Normandy; and, in order thereunto, " he endeavoured to bring in the French, inſtead of the Saxon " language, then uſed in England: from whence aroſe the prac- " tice of pleading in our courts of law in the Norman or French " tongue, which continued till the ſtatute of the thirty ſixth " of Edward the Third." But it has been mentioned before, upon the authority of Ingulphus, a contemporary hiſtorian, that, even in the reign of Edward the Confeſſor, French was ſpoken by moſt of the Engliſh nobility, and the Norman forms were uſed in legal proceedings. This made it much leſs difficult for William the Firſt to eſtabliſh the practice taken notice of by lord Hale, which indeed was abſolutely neceſſary to enable the Normans, whom he appointed his judges, or whom he enfeoffed with earldoms or baronies, or employed as ſheriffs or viſcounts, to exerciſe the judicature which belonged to their offices or fiefs. It muſt however be obſerved, that moſt of the laws and charters of that age, and our oldeſt law-books, Glanville and Bracton, were written in Latin. Ingulphus tells us, that, in the reign of William the Conqueror, children were taught their firſt rudiments, not in the Engliſh but French language. Yet the deſire, which, he ſays, was ſhewn by the Normans, to aboliſh the uſe of the Engliſh was never effected: but on the contrary, from the intermixture of the two nations a language was formed, in which the Saxon was much more prevalent than the Norman or French. We have a charter of King Henry the Third in the Engliſh of that time, which, as it is curious to ſee how near the language then written approached to that of the preſent century, I have given, with a tranſlation of it into modern Engliſh, in the Appendix to this book, from Mr. Tyrrel's Appendix to the third volume of his hiſtory of England. No ſmall part of the difference between the original and the tranſlation appears to be in the comparative length of the words, which we have now abridged, by leaving out ſome of the vowels then inſerted, and

See the firſt volume, p. 7. Ingulphus, p. 62. Gale's edition.

Gale's edit. p. 71.

and omitting the ſyllable *en* at the end of many verbs; as, for example, writing *land* inſtead of *loande*, and *ſend* inſtead of *ſenden:* an alteration which has not added to the harmony of the tongue. But there are in the Cotton library ſome manuſcript hiſtorical poems, compoſed in Norman French, by a reading clerk, named Wace, to whom (as he tells us himſelf) King Henry the Second gave a prebend at Bayeux, and many other benefactions. They have nothing to diſtinguiſh them from the dulleſt chronicles of that age, but metre and rhymes. Yet, as they are a ſpecimen of what was then imagined to be poetry, I have tranſcribed ſome of them into the Appendix annexed to this book. The poets of Provence wrote ſomething better; of which we need no other proof than the verſes compoſed in their ſtyle and dialect by King Richard the Firſt: but the beſt of the French *romanciers* were very inferior in genius, and the ſpirit of poetry, to the ancient Gallick and Britiſh bards, or even to the Saxon and Daniſh poets before their converſion to Chriſtianity, which ſeems to have taken from them that wild greatneſs of imagination and ſentiment, diſcoverable in ſome of their ancient poems. There is no book written in French or Engliſh proſe, during the period which I treat of, that has come down to theſe times. Indeed thoſe who in that age were beſt qualified to be authors all wrote in Latin. The familiar letters that paſſed between Becket and his friends, and all the diſpatches of buſineſs, ſent to or from him in his exile; nay, the very love-letters between Abailard and his diſciple and wife Heloiſa, after their unfortunate ſeparation, were written in that language. It is juſtly obſerved by Mr. Inett, in his Eccleſiaſtical Hiſtory, "that the concluſion of "the ſeventh, and the beginning of the eighth century, have a "taſte of learning that is no where elſe to be met with in the "Engliſh writers before the Norman conqueſt: but the writ-"ings of Adhelm biſtop of Sherburn, of Ceolfrid abbot of "Jarrow, and tutor to Bede, and thoſe of Egbert biſhop of "York, and Eddius, and Bede, who all lived during that period,

See Inett's Hiſtory of the Engliſh church, p. 161. c. 10.

" ſo exhauſted the genius of the Engliſh nation, that except " Alcuinus and Clemens, who were bred under Egbert, not " long after Bede, and who, in the latter end of the eighth and " the beginning of the ninth century, made ſo great a figure in " France, we find nothing like it in the ſucceeding ages, till the " Norman invaſion brought the ſpirit of this age to life again." One principal cauſe of that declenſion was the ravages of the Danes. The great Alfred expreſſed his grief, that whereas in times paſt, foreigners came to England in ſearch of wiſdom and learning, the Engliſh themſelves, in his days, were forced to go abroad to ſeek for them; while ſo groſs an ignorance overſpread the nation, that very few prieſts, ſouth of the Humber, could underſtand the ordinary ſervice of the church, and he knew none, ſouth of the Thames, that could turn a piece of Latin into Engliſh. Through the indefatigable application of this admirable prince to the remedy of this evil, by bringing over learned foreigners, and by the example which he gave himſelf to his ſubjects, ſcience began, under him, to revive in England; but it declined again, under his ſucceſſors, and continued in a low ſtate till the entrance of the Normans.

V. Aſſer. de Ælfredi rebus geſtis, p. 27. Camden. Anglica, Normannica, &c.

A late French writer takes notice, that William the Conqueror protected letters, and that they had great need of his patronage, in a time when books were ſo rare, that Græcia, counteſs of Anjou, bought a collection of homilies at the price of two hundred ſheep, a buſhel of wheat, another of rye, a third of millet, and ſome ſkins of martins. But it is probable that the dearneſs of this particular book was rather owing to an extraordinary value ſet upon it, by thoſe who ſold it, or who recommended it to the counteſs, than to the general ſcarcity of books at that time: for we know that few of the greater convents, in France or in England, were unfurniſhed with libraries, and the difficulty was rather to find men who could read them. However this may have been, it is certain that the Normans brought with them into England a taſte for learning. The nobles, indeed, were, for the moſt part, illiterate;

Abregé Chron. de l'Hiſtoire de France, p. 154. ſub ann. 1087.

literate; but they valued knowledge in the clergy; and as King Henry the Firſt had himſelf attained to a good proficiency in it, his example induced ſome of the lords of his court to cauſe their children to be inſtructed in all the learning of thoſe times. William of Malmſbury tells us, that in an interview between Henry and Pope Calixtus the Second, the young ſons of the earl of Meulant were brought forth by the king to diſpute with the cardinals in logick, which they did with ſo much vivacity, and ſubtilty of reaſoning, that it raiſed a great admiration in their antagoniſts, and obliged them to acknowledge, that learning flouriſhed more in theſe weſtern parts of the world, than they, in Italy, had heard or imagined. In the eighteenth year of that reign died Florence of Worceſter, who compiled in Latin a Chronological Hiſtory of the World, and brought it down, with a particular, and no contemptible account of the affairs of this iſland, to the year of our Lord eleven hundred and ſeventeen. A contemporary hiſtory of the chief events relating to the church of England, in the reigns of William the Firſt and his two ſucceſſors, till the year eleven hundred and twenty two, was not inelegantly written in the ſame language by Eadmer, a monk of Canterbury. But the civil commotions in Stephen's reign were unfavourable to letters, and ſtopt the progreſs which probably they would have made under the patronage of King Henry's ſon, the earl of Gloceſter, if this nobleman, who inherited all his father's good qualities without his faults, had been more at leiſure to cultivate the arts of peace. Nevertheleſs, even that unhappy and turbulent time did not prevent him from encouraging the beſt genius for hiſtory that England had yet produced, by the favour he ſhewed to William of Malmſbury, whoſe merit I have already had occaſion to ſpeak of, in the former parts of this work. Another ornament of the reign of Stephen was Ethelred abbot of Rivaux, who is equal, if not ſuperior, to William of Malmſbury in the elegance of his ſtyle, but falls ſhort of him in judgement and

V. L. v. de H. I. f. 90. ſect. 20. B.

weight of ſenſe. Simeon of Durham and Henry of Huntington, no mean hiſtorians, wrote alſo in thoſe times. Roger de Hoveden, who was a chaplain to King Henry the Second, has left us two books of annals, carried on from the year ſeven hundred and thirty two to the year twelve hundred and one, the fourth of King John; in the firſt of which he has borrowed much from the two writers abovementioned, and in the ſecond from Benedict abbot of Peterborough, who wrote a hiſtory of the reigns of Henry the Second and his ſon Richard, beginning in the year eleven hundred and ſeventy, and ending in eleven hundred and ninety two. But, though much was ſtolen by this author, he added enough of his own, to give him a conſiderable rank, in the opinion of Sir H. Saville and Mr. Selden, among the many hiſtorians who flouriſhed in the eleventh and twelfth centuries. William of Newbury, one of theſe, deſerves to be mentioned with particular praiſe, for having had the courage, though a monk, to expreſs an approbation of King Henry the Second's deſign of reforming his clergy, by bringing them under the coertion of the ſecular power; and to cenſure Becket, after Rome had declared him a ſaint, *for want of moderation and diſcretion in many parts of his conduct.* Another inſtance of the good judgement, and honeſt regard to truth, which appears in this author, is the having treated the fables of Geoffry of Monmouth with the contempt they deſerve, although they were then ſo much in vogue, that to oppoſe the deluſion was little leſs dangerous, than to call in queſtion any error of popular ſuperſtition eſtabliſhed or authoriſed by the church. This ſincerity has drawn upon him, in much later and leſs ignorant times than his own, the diſpleaſure of Humphrey Lhuyd, and ſome other Welſh writers: ſo hard is it to eradicate, from the minds of an ancient people, the fond belief of any fiction, in which they imagine that the glory of their nation is concerned!

V. Neubrig. l. ii. c. 16. et 25.

Canutus, a monk of Canterbury, is ſaid to have made an abridgement of Pliny's Natural Hiſtory, and to have dedicated his

See Aubrey's Memoirs of the county of Wilts, p. 221. 223. et Balæus Cent. 3. n. 4.

his work to King Henry the Second. Of Giraldus Cambrenſis ſome mention has been made in former parts of this book; and I ſhall have occaſion to ſay more in giving an account of the affairs of Ireland, which he has recorded. It will be ſufficient to obſerve in this place, that, if too much love of *the marvellous*, and a rancorous hatred of King Henry the Second, which he contracted before the end of that prince's life, had not corrupted his veracity and diſhonored his judgement, he would have ſtood high in the catalogue of Engliſh hiſtorians who flouriſhed during that reign. Several others might be named who excelled in wit or learning about the ſame period; but of all theſe the moſt eminent were Peter of Blois and John of Saliſbury. Peter of Blois had been made præceptor to William the Second, King of Sicily, in the year eleven hundred and ſixty eight, through the recommendation of Stephen archbiſhop of Palermo, and chancellor of that kingdom; but, the following year, upon the diſgrace and baniſhment of his patron, he retired into France; from whence he was preſently invited into England by Henry the Second, who afterwards employed him, as his private ſecretary, in many important affairs. From one of his letters it appears, that he had undertaken to write a hiſtory of the acts of that prince, and had almoſt completed it before the end of his reign. Whether it ever was publiſhed is uncertain; for no other trace of it has come down to our times; which may be juſtly lamented, as, from the confidence Henry had in him, he muſt have been better informed, than any other hiſtorian in thoſe days, both of facts and counſels; nor was any more capable of conveying them to poſterity with ſpirit and energy, which all his works are very full of, beſides a great erudition, and an admirable fervour of virtue and piety. There is likewiſe in them a noble freedom, becoming a Chriſtian philoſopher, in reprehending the faults of perſons in high ſtations, and rigorouſly cenſuring the diſorders and corruptions of the clergy: but, unhappily, he did not reckon a deſire of independence on the civil authority,

V. Præfation. ad opera Petri Bleſenſis.

V. Petri Bleſ. epiſt. 127. 149.

Epiſt. 14.

authority, and an abſolute ſubjection to the pope, among thoſe corruptions. On the contrary he eſteemed them eſſential parts of their duty. The ſame notions alſo prevailed in his friend, John of Saliſbury, who appears to have been little inferior to him in learning, and ſuperior in the graces and elegance of his ſtyle; tho' neither was he quite exempt from the barbariſms of the age. Some of his letters are animated with a ſpirit of liberty, which would have done honor to a Greek or Roman republican: but with regard to the church he extended his ideas of liberty to an exemption from all obedience to the ſecular power. This rendered him ſo zealous in Becket's cauſe, that he attended him in his exile; and it will be ſeen in the following book of this hiſtory, that he was the moſt active of his agents in France, and truſted by him the moſt deeply. Nor did this attachment ceaſe even after the death of that prelate; for he became one of the many who wrote accounts of his life, with much more regard to his honor, than to truth or ſincerity. Indeed what he has left on that ſubject is unworthy of his own character: and the offence his whole conduct had juſtly given to the king, during the courſe of the difference between that prince and Becket, excluded him from thoſe favours which his merit would have otherwiſe entitled him to, in a court where none was neglected, and where a particular regard was ſhewn to genius and learning. It is obſervable, that his writings, as well as thoſe of Peter of Blois, are full of citations from the Latin claſſicks, a taſte for which was then riſing in France and England, and would, probably, have gone far towards refining the age, if the minds of men had not been turned from cultivating thoſe ſtudies to the ſubtleties of ſchool divinity, which Rome encouraged as more profitable for the maintenance of her doctrines. The firſt teachers of this new art were two archbiſhops of Canterbury, Lanfranc, and Anſelm; to whom ſucceeded Peter Abailard, the brighteſt wit of thoſe times: but the moſt illuſtrious maſter of it was Peter Lombard, made

biſhop of Paris in the year eleven hundred and fifty nine. It was a great misfortune to religion, and to learning in general, that men of ſuch acute underſtandings as Abailard and Lombard, who might have done much to reform the errors of the church, and to reſtore ſcience in Europe, ſhould have depraved both by applying their admirable parts to weave theſe cobwebs of ſophiſtry, and to confound the clear ſimplicity of evangelical truths by a falſe philoſophy and a captious logick. I cannot mention Abailard, without taking notice, that if his fair diſciple Heloiſe, inſtead of being compelled to read the fathers, or the legends of ſaints, in a nunnery, had been ſuffered to improve her genius by a continued application to polite literature, one may venture to ſay, from what appears in her letters, that ſhe would have excelled in it more than any man of that age.

Of the ſtate of learning at Oxford in the reign of which I am treating I find little mention. But Ingulphus ſays, that he learned Ariſtotle in the ſchools of that city; and another writer informs us, that, under the auſpices of King Henry the Firſt, the divinity lecture, which had been diſcontinued a long time in Oxford, began again to flouriſh. The civil war in the reign of Stephen muſt have diſturbed and interrupted the ſtudies there; but probably they revived again under Henry the Second: for we find that in King John's time the number of ſtudents was three thouſand. And Matthew Paris calls the univerſity of Oxford, *the ſecond ſchool of the church, nay, rather a groundwork of the church, next after Paris.*

See Camden's Britannia, OXFORDSHIRE.

Of the ſchools at Cambridge, from the reign of Henry the Firſt till that of Henry the Second, incluſively, Peter of Blois, in his continuation of Ingulphus, has given an account, which is thus tranſlated in the laſt edition of Camden's Britannia: "Abbot Joffred ſent over to his manor of Cotenham, nigh "Cambridge, Giſlebert, his fellow-monk and divinity-pro-"feſſor, with three other monks, who followed him into "England,

See Camden's Britannia, CAMBRIDGESHIRE.

" England; and being well furniſhed with philoſophical learn-
" ing, and other ancient ſciences, they daily repaired to
" Cambridge: where they hired a publick barn, made open
" profeſſion of the ſciences, and in a little time drew a great
" number of ſcholars together. In leſs than two years their
" number encreaſed ſo much, out of all that country as well
" as the town, that there was not a houſe, barn, or church
" big enough to hold them all. Upon which they diſperſed
" themſelves into ſeveral parts of the town, imitating the
" univerſity of Orleans. Betimes in the morning Frier Odo,
" an excellent grammarian and ſatyric poet, read grammar
" to the boys and younger ſort, who were aſſigned him; ac-
" cording to the doctrine of Priſcian and Remigius upon him.
" At one a clock Terricus, a ſubtle ſophiſt, read Ariſtotle's
" logick to the elder ſort, according to Porphyry's and
" Averroe's introductions and comments. At three of the
" clock Frier William read lectures in Tully's rhetorick, and
" Quintilian's inſtitutions; and Giſlebert, the principal maſter,
" preached to the people upon all ſundays and holidays.
" From this ſmall fountain we ſee large flowing ſtreams,
" making glad the city of God, and enriching the whole
" kingdom with many maſters and teachers, who came out
" of Cambridge, as from the holy paradiſe, &c."

Whether this was the firſt beginning, or only a revival of learning in this town, it will not be neceſſary to inveſtigate here. But Mr. Camden takes notice that the name of *univerſity* was not uſed till about the time of Henry the Third, and then not for the place, but for the body and ſociety of ſtudents.

See Camden's Britannia, OXFORDSHIRE.

In a letter to Becket from John of Saliſbury this deſcription is given of the ſtate of learning at Paris: " *When I beheld* " (ſays he) *the reverence paid to the clergy, the majeſty and glory* " *of the whole church, and the various occupations of thoſe who* " *applied themſelves to philoſophy in that city, it raiſed my ad-* " *miration, as if I had ſeen the ladder of Jacob, the top of* " *which*

Epiſt. T. Becket. e Cod. Vatic. l. i. epiſt. 24.

"*which reached to heaven, and the ſteps were covered with* "*angels aſcending and deſcending.*" On this paſſage I would obſerve, that the learning of the clergy in thoſe days was a mighty aſſiſtance to their power, and to what this writer calls *the majeſty and glory of the church.* For, as it was almoſt confined to them, princes were under a neceſſity to employ them in much of their buſineſs; and the ſuperiority it gave them over the ignorant laity, though great in reality, was greater ſtill in opinion. The degree of it, which Henry the Second had attained to, helped to ſhew him the enormity of the encroachments they had made on the civil authority, and ſtrengthened his mind to reſiſt them. It was likewiſe of no little advantage to him, that ſome of his nobles had a ſufficient tincture of knowledge, to be able to ſerve him in the higheſt offices of law and juſtice. Upon the whole, it may be ſaid, that a beam of light, in the twelfth century, began to break through the clouds of Gothic ignorance and barbariſm, but was ſoon afterwards obſcured by a thicker darkneſs.

The great encreaſe of religious houſes muſt be reckoned among the evils of this age. The author of the *Notitia Monaſtica* computes the number of ſuch houſes, built in England during the reigns of Henry the Firſt, Stephen, and Henry the Second, at no leſs than three hundred. And Mr. Inett aſſerts, that more monaſteries and other religious ſocieties were founded in that kingdom during the ſingle reign of Henry the Firſt, than in five hundred years before. But he rightly obſerves, that this was not peculiar to this nation. The high opinion of the merit of ſuch foundations, infuſed into the minds of the laity, by the divines of thoſe days; the hopes of compounding in this manner with the Deity for the greateſt offences; but more eſpecially the liberty, granted by the pope, of commuting for vows made to go to the Holy wars by benefactions of this kind, filled all Europe with convents. In the year eleven hundred and fifty two, the Ciſtertian order, which had been founded in one thouſand and ninety eight,

V. Præfat. ad Not. Monaſt.

Hiſtory of the Engliſh church, p. 172. c. 9.

See Dugdale's Baronage, part I. & Monaſticon.

had no fewer than five hundred. Among other cauſes of the encreaſe of monaſteries in this kingdom may be reckoned the civil war, with which it was afflicted during the reign of King Stephen. For many of the nobility engaged in thoſe troubles endeavoured to attone for the pillage of the people, and other crimes they had committed, by raiſing or endowing religious houſes; and others deſired to ſecure for themſelves and their children a quiet aſylum in theſe places. The pernicious conſequences of ſuch numbers of men and women being confined to a life of celibacy were grievouſly felt in the reign of Henry the Second, by continuing and encreaſing the depopulation of the country, which the commotions in that of his predeceſſor had occaſioned. Nor was it a ſmall inconvenience to the government of this monarch, in his diſputes with the pope, that he had ſo many perſons in his realm, who, by their ſeparation from ſociety and the nature of their inſtitutions, were more devoted to the ſee of Rome than the ſecular clergy: which difference ſhewed itſelf, upon ſeveral occaſions, in the conduct of both. And the practice of exempting monks from the proper authority of the dioceſan biſhops encreaſed this miſchief. Such exemptions took their riſe from what was done by William the Conqueror in favour of Battle abbey; which made others, and more eſpecially thoſe of greater antiquity, endeavour likewiſe to free themſelves from the epiſcopal juriſdiction, by pretended ancient charters, the forgery of which was not diſcovered, or not regarded, by our kings, who thought that they advanced the royal prerogative by ſupporting theſe claims, and making other grants of a like nature. In the year eleven hundred and fifty four, the abbot of St. Albans obtained a bull from Pope Adrian, to exempt the abbey and their dependants, not only from the juriſdiction of the biſhop of Lincoln, their dioceſan, but from all epiſcopal authority; and to ſubject them only to that of the apoſtolical ſee; an innovation in the conſtitution and diſcipline of the church till then unknown in England, and which in France

had

had been juſtly condemned by Bernard, who declared in one of his writings, "that the uniting of religious houſes to the "Holy ſee in this manner was as monſtrous and unnatural a "deformity in the church, as it would be in the natural body "to unite the finger to the head!"

Beſides the danger to the ſtate from the independence of theſe communities on all power but the papal, which was thus procured and eſtabliſhed during the times I write of, the great proportion of land, over and above all the former poſſeſſions of the church, now thrown into *mortmain*, and the quantity of ſilver taken out of circulation, by the ornaments with which ſo many convents were decorated, muſt have been very hurtful to the trade and revenues of the kingdom.

There is in the Cotton library a manuſcript treatiſe of Giraldus Cambrenſis, which affirms that William Rufus had conceived a deſign of taking from all the monaſteries, or religious houſes in England, founded and endowed by the Engliſh, all their lands and poſſeſſions, or the greater part thereof, and converting them into knights-fees; ſaying, that near one half of the kingdom had been beſtowed on the church, from all which little or nothing could be drawn by the government, in any exigence whatſoever, for the defence of the ſtate. If this were true, it would account, more than any other reaſon, for the odious colours in which his character has been painted by the monks: but nothing is ſaid of it by any contemporary writer; and even in the time of Richard the Second, after vaſt additions had been made to the wealth of the church, and particularly by the foundation of ſo many more religious houſes, all the poſſeſſions of the regular and ſecular clergy were not eſtimated at more than a third of the kingdom, as appears by a proteſtation of the houſe of commons in that reign. Beſides it was falſe, that in the time of William Rufus little or nothing could be drawn from the lands of the church to the defence of the kingdom: for all the biſhopricks and abbies of royal foundation being then converted

V. MSS. Cotton. Julius, B. xiii.

See the Parl. Hiſtory of England, vol. i. p. 383.

converted into baronies, they contributed to it equally with the other baronial poſſeſſions. Nevertheleſs it is poſſible that this ſtory may have had ſome grounds of truth: for William Rufus might naturally entertain a deſire, if not a ſettled purpoſe, of taking away ſome of the lands of ſuch abbies and convents, as were not charged by his father with any military ſervice, and turning them into knights-fees. However this may have been, it is certain that the opulence of the monks, as well as the number of them, in the times of Henry the Second, was enormous. And the luxury, in which men profeſſing poverty lived, was ſcandalous and offenſive to the common ſenſe of mankind. We have in one of the treatiſes of Giraldus Cambrenſis a deſcription of the table, which was kept by the monks of Canterbury, and which conſiſted regularly of ſixteen covers, or more, of the moſt coſtly dainties. Theſe, he tells us, were dreſſed with the moſt exquiſite cookery, to provoke the appetite and pleaſe the taſte. He alſo ſpeaks of an exceſſive abundance of wine, particularly claret; of mulberry wine, of mead, and of other ſtrong liquors, the variety of which was ſo great in theſe repaſts, that no place could be found for ale; though he informs us, that the beſt was made in England, and particularly in Kent.

V. G. Camb. De rebus à ſe geſtis, part II. c. 5. in Angliâ Sacrâ, vol. ii. p. 480.

There is likewiſe an account in the ſame author, "that "the prior and monks of St. Swithin at Wincheſter threw "themſelves proſtrate at the feet of King Henry the Second, "and with many tears complained to him, that the biſhop of "that dioceſe, to whom they were ſubject as their abbot, had "withdrawn from them three of the uſual number of their "diſhes. Henry enquired of them, how many there ſtill re-"mained: and being informed they had ten, he ſaid, *that he* "*himſelf was contented with three*, and imprecated a curſe on "the biſhop if he did not reduce them to that number." I repeat this ſtory, rather to ſhew the temperance of the king than the exceſs of the monks.

In

In what manner the laity feaſted in thoſe days John of Saliſbury has given us a ſhort deſcription. He ſays, the houſes, on ſuch occaſions, were ſtrewed with flowers; and the jovial company drunk wine out of gilded horns, and ſung ſongs when they became inebriated with their liquor. This is a better account of the feſtivity of our anceſtors, than that given by Froiſſard, who ſays that the Engliſh, in the time of Edward the Third, *s'enyvroient moult triſtement, à la façon de leur pays*; *got drunk in great ſadneſs, after the manner of their country.* In the time of Henry the Second, and for ages afterwards, the great halls of the caſtles, or principal manor houſes, in which the nobility and gentry reſided, were crowded with vaſt numbers of their vaſſals and tenants, who were daily fed at their coſt; and, in order to ſupply the conſtant plenty required for ſuch profuſe hoſpitality, thy kept in their hands large demeſnes, which were cultivated by their villeins: and received their rents, not in money, but in divers kinds of proviſions, from many of thoſe farmers to whom they had granted freehold lands, adjacent to their ſeats. This way of living, ſtill more than the feudal obligations, attached the vaſſals to their lords, and enabled theſe to become formidable to the power of the crown. When the weather permitted it, the chace drew together all the neighbouring gentry; nor was it difficult, in ſuch meetings, to form or put into action thoſe factious confederacies, to which the genius of the people was ſtrongly inclined. It muſt be obſerved, that to be ſkilful in the arts of hunting and hawking, was anciently eſteemed one of the requiſite qualifications for chivalry, and preferred to all other knowledge. The Lombard laws and the capitularies forbad a gentleman to ſell his ſword, or his hawk, even for the payment of his ranſom. This ſort of chace, which was a diſtinguiſhing privilege of the nobles, delighted them the more, as the ladies took part in it, and appear to have made it their principal amuſement. The high and romantic gallantry, which prevailed in thoſe times, muſt have given the

the fair ſex ſuch ideas of themſelves, as were much above the character of mere good houſewives, though moſt of their time was employed in houſehold cares. And, from what we read of ſome ladies in the twelfth and thirteenth centuries, there is reaſon to believe, that their minds were elevated by thoſe ideas to a more than ordinary pitch of greatneſs. It is likewiſe probable, that the imitation of royal ſtate, which the great barons kept up in the eſtabliſhment of their houſeholds, and the whole manner of living at their habitations in the country, not only drew to them the reverence of the people, but ſo raiſed their thoughts of their own dignity, that it was difficult for them, in their attendance on the king, to conſider themſelves as his ſubjects, and much more to deſcend to any ſervile obedience.

Some of the nobles in the age of which I write, and eſpecially the biſhops, were magnificent builders. Giraldus Cambrenſis informs us, that Henry de Blois, biſhop of Wincheſter and brother to King Stephen, had, during the anarchy of thoſe times, preſumed to pull down the royal palace of Wincheſter, which was not inferior to that of London, either in the extent or quality of the buildings, becauſe it ſtood too near his church; and, that nothing might be wanting to compleat this offence againſt the majeſty of the crown, even ventured to carry off and employ the materials in erecting a fine palace, for himſelf and his ſucceſſors, in another part of that city. The ſame author ſpeaks of other works of this prelate, for the embelliſhment of his ſeats, which appeared to exceed the power of kings themſelves; particularly vaſt ponds, ſupplied by aqueducts, carried on with much difficulty and expence, or by waters brought through various windings, and from a great diſtance, under ground. He had likewiſe *menageries* of birds and beaſts from all parts of the world; a kind of magnificence which he ſeems to have taken from his uncle, King Henry the Firſt, who, (as William of Malmſbury tells us) had an encloſure in his palace of Woodſtock, where he kept

V. G. Camb. De vitis Sex. Epiſcop. cöetaneorum in Angliâ Sacrâ vol. ii. p. 421.

L. v. de H. I. f. 91.

a variety of rare animals, preſented to him by foreign kings, at his own earneſt requeſt; among which lions, leopards, lynxes, camels, and a porcupine, are mentioned by that hiſtorian. He alſo deſcribes two very ſpacious and beautiful caſtles, erected, at an immenſe charge, in the reign of King Stephen, by Roger biſhop of Saliſbury; the ſtones of which were ſo cloſely and ſo artfully joined together, that they ſeemed to be all one ſolid rock. f. 91.

By many evidences it appears, that a luxury in apparel was very general among the nobles and gentry of that age. Even the nuns were not free from it, as may be inferred from a canon of the legatine ſynod, held at Weſtminſter, in the year eleven hundred and thirty eight, which, under pain of an anathema, forbids them to uſe the parti-coloured ſables, called in French *petit gris*, martin, ermine, and beaver ſkins, or golden rings; or to curl or curiouſly ſet their hair. William of Poictou takes notice, that the Engliſh women in his time, viz. in the reign of William the Conqueror, excelled in embroidery; and tells us, that the garments of thoſe Engliſh noblemen whom that prince carried over with him into Normandy, in the firſt year of his reign, were richly inwoven and incruſted with gold. He ſays alſo, that among the men of that nation there were good artificers of all ſorts; that Germans, or Dutchmen, very ſkilful in all the finer manufactures, were uſed to ſettle among them; and that foreign manufactures were imported from the moſt diſtant countries, by merchants trading to England. As one can hardly imagine that this writer, who came over with the duke of Normandy, was partial to the Engliſh, I think this account of their opulence, commerce, and induſtry, which he gives us as an eye-witneſs, is of no ſmall weight. Nevertheleſs, as we are told by William of Malmſbury, in a paſſage I have cited before, that the garments of the Engliſh, before their intermixture with the Normans, were generally plain, I preſume that the embroidery, and other fine manufactures, ſpoken of by William of Poictou, were only

See Spelman's Councils, vol. ii. p. 41.

Vid. Pictav. geſt. Gul. Ducis, p. 214.

only worn by the nobility of the firſt rank. But it appears, that, in the times of Henry the Second, the whole gentry of England, having adopted the faſhions of the Normans, were as magnificent in their dreſs as their fortunes could bear. And we are informed by Ordericus Vitalis, that, during the reign of William Rufus, the mode of apparel was changed, not only in England, but all the weſtern parts of Europe; ſo that, inſtead of cloſe coats, which had been uſed till that time, as moſt commodious for exercife and a military life, trailing garments with long ſleeves, after the manner of the Aſiaticks, were univerſally worn. The men alſo were very nice in curling and dividing their hair, which on the fore part of their heads they ſuffered to grow very long, but cut ſhort behind. The extraordinary fervour of zeal expreſſed by Anſelm, and other churchmen of that age, againſt this faſhion, ſeems ridiculous: but we find from the words of the abovementioned hiſtorians, that they combined it with the idea of an affected effeminacy, and ſuppoſed it to indicate a diſpoſition to an unnatural vice, which was very prevalent in thoſe times. The good prelate, whoſe piety was ſo much ſcandalized at it, would have done well to conſider, how much more the celibacy to which he forced the clergy, and the number of monaſteries in this kingdom, might contribute to encreaſe that abominable wickedneſs, than any mode of dreſs. And indeed we are told that his preaching prevailed with the Engliſh to cut their hair, but could not reform their morals.

L viii. p.682. ſub ann. 1089.

V. Ord. Vit. ut ſupra.

I find no grounds upon which I can form any eſtimate of the number of people in England, during the reign of King Henry the Second. One cannot judge of it by the number of inhabitants in the capital; becauſe, from the manners and policy of the times, the people lived more diſperſed than they uſually do in theſe times. The king's court was not fixed, and every diſtrict had a leſſer court of it's own, in the caſtle of an earl or great baron; which rendered the country more

more populous, in proportion to the Metropolis or other principal cities, than it is at preſent. In general it may be ſaid, that the *police* then eſtabliſhed, which forced the common people into an orderly way of living, and the hardy and healthy education given to perſons of both ſexes, muſt have been greatly conducive to propagation.

Sir Henry Spelman obſerves, from the leſſer Domeſday-book, that in all the county of Norfolk, which is above fifty miles in length, and about thirty in breadth, there were, at the time when that regiſter was compiled, but ſixty ſix lords of manors, who had the property of the ſoil. Under theſe all the reſt of the free inhabitants of that province held by ſubinfeudation; nor was the proportion much greater in other parts of the kingdom. But, during the reigns of Henry the Firſt and his two next ſucceſſors, property became more divided, and the number of landholders in chief was conſiderably augmented: yet it appears from Dugdale's Baronage, that, till long after the death of Henry the Second, the earls and barons were poſſeſſed of vaſt eſtates; and the far greater part of all the lands of England was held by them in demeſne, or under them by meſne tenants. Of the exact number of the peerage in Henry the Second's reign I find no account. But Mr. Selden has ſhewn from the cloſe rolls of the forty ſeventh year of Henry the Third, that a hundred and thirty temporal, with fifty ſpiritual barons, were ſummoned by that king to perform the military ſervice due by their tenures. And it appears by a record, that, in the thirty fifth year of Edward the Firſt, eighty ſix temporal barons, twenty biſhops, and forty eight abbots, were ſummoned to a parliament convened at Carliſle.

V. Gloſſ. DOMESDAY.

See Titles of honour, par. II. c. 5.

See the Parliament. Hiſtory, vol. i. p. 151.

I ſhall conclude this account of the civil and political ſtate of the kingdom, during the times of which I write, with two remarks; firſt, that the privileges granted, or confirmed to the nation, within that period, though often violated by our kings,

were perpetually reclaimed, and reſtored, from time to time, by new confirmations, the laſt of which was *the bill of rights*, that great compendium of our ancient, conſtitutional liberties, the glory of this, and the envy of every other ſtate: Secondly, that for ſome ages after the ſettlement of our government by King Henry the Firſt, the high ſpirit of the nobles, and the ferocity of the people, were ſtronger fences to both againſt oppreſſion and tyranny than laws or charters; but, at the ſame time, had ſuch a tendency to diſturb the tranquillity and order of ſociety, that theſe could hardly be preſerved, even in the reigns of good princes, without ſome ſuch exertions of the royal authority, as approached too near to an illegal and arbitrary power. But in later times, as the temper of the nation grew milder, the ſame rigour in government was no longer requiſite, or fit to be uſed; and liberty ceaſing to border upon anarchy, the regal part of our conſtitution could, with ſafety to the publick, be ſet at ſtill a further diſtance from abſolute monarchy. In the preſent ſtate of our whole political ſyſtem we have nothing to wiſh, but that the ſpirit of liberty may be moderated with ſuch diſcretion, and ſupported with ſuch firmneſs, as that we may never again find it neceſſary to ſeek a remedy againſt anarchy in an extenſion of prerogative; nor yet be drawn by the corruption and diſſoluteneſs of manners, which too naturally attend a high degree of politeneſs, to relax the ancient Britiſh vigour and dignity of mind, which hitherto neither violence has been able to ſubdue, nor proſperity to enervate.

END of the SECOND BOOK.

THE HISTORY OF THE LIFE OF King Henry the Second.

BOOK III.

THERE is a paſſage well deſerving the attention of thoſe who read this book in a late famous remonſtrance of the parliament of Paris; where, complaining of the abuſes of the eccleſiaſtical power in the kingdom of France, they ſay to their king, "that the clergy of that "realm are now buſily uſing their utmoſt endeavours to ſup- "port and confirm a ſyſtem of independence, the foundations "of which have been laid near a thouſand years ago; the "principles of which have been connected, developed, and "followed, from age to age, in the conduct of ſeveral mini- "ſters of the church; and the inevitable effects of which, if "not ſtopt by the vigilance and firmneſs of the magiſtrates, "would be the moſt enormous abuſe of the royal authority, "as well as of religion; the deſtruction of good order and "public tranquillity, of all the regular juriſdictions, of the V. Appendix.

" laws, of the king's ſovereignty itſelf; and, by conſequence,
" of the whole ſtate."

Theſe are the words of that very reſpectable body: and whoever reflects upon them will have good reaſon to think, that, where the popiſh religion remains eſtabliſhed, the principles of Becket will alſo remain; and, notwithſtanding the apparent abſurdity of them, will perpetually diſturb, and ſometimes overpower, the civil authority, even in countries the moſt enlightened by learning and philoſophy, or affecting the greateſt latitude and freedom of thought. How great is therefore the happineſs this nation enjoys in the reformation of religion, by which thoſe principles, ſo repugnant to true Chriſtianity, have been rooted out from our church; and which alone can ſecure us from a return of thoſe evils, the malignity whereof will be ſhewn, in it's utmoſt extent, by examples more convincing than any arguments on the ſubject, in that very inſtructive part of the hiſtory of this kingdom, which I am about to relate!

A. D. 1163. The reader has ſeen what large advances the clergy of England, abetted and ſupported by the power of the papacy then almoſt at it's heighth, had made, in Stephen's reign, towards a total independence upon all civil government. The pernicious conſequences of this were felt by his ſucceſſor; and though the inſolence of the hierarchy was in ſome meaſure awed under the reign of this prince, yet he had been hitherto obliged to tolerate many abuſes, which the name of religion had ſanctified, and which could not be reformed without the aid and concurrence of more favourable circumſtances, than had offered themſelves to him before this time. The worſt of theſe was the exemption from all ſecular juſtice, which was claimed as a fundamental and inviolable part of the liberty of the church. " The biſhops (ſays one of the beſt contemporary
" hiſtorians) being much more intent on maintaining the pri-
" vileges

Gul. Neubrigenſ. p. 394.

A.D. 1163.

"vileges or dignities of their clergy than correcting their vices, "imagine that they do their duty to God, and the church, by "protecting thoſe criminals againſt civil diſcipline, whom they "refuſe or neglect to reſtrain, as the duty of their office re-"quires, by a proper ſeverity of canonical cenſures." He adds, "that, for this reaſon, the clergy having a licence to do "what they would with certain impunity, were in no awe of "God, or man." It is remarkable that this teſtimony is given by a churchman. And, indeed, the whole publick was now become as ſenſible as Henry himſelf, how monſtrous a thing it was, that one part of his ſubjects ſhould thus be ſuffered to withdraw themſelves from his juſtice, and, wherever they were concerned, to put the others alſo out of his royal protection. The neceſſity of correcting the notorious iniquities and relaxation of diſcipline in the ſpiritual courts, as well as of ſtopping their encroachments in point of juriſdiction, was, likewiſe, generally acknowledged. Another evil, which began to be grievouſly felt, and which many of the clergy themſelves deſired that the crown ſhould reſtrain, was the frequent practice of appeals to Rome in eccleſiaſtical cauſes. This was attended with great vexation and expence to the ſuitors: the exportation of it's treaſure was a loſs to the nation; but it ſuffered much more by the admiſſion of a foreign juriſdiction over the ſubjects of England, which violated the dignity and freedom of the ſtate. The voice of the people calling loudly for a redreſs of theſe grievances, the royal authority being ſettled upon the firmeſt foundations, the Roman pontificate being weakened by a ſchiſm, and the pope whom Henry had acknowledged owing more to his friendſhip than to that of any other monarch, the time appeared very favourable for this great undertaking, which, if the king had ſucceeded in it, would have compleated his glory, as the *deliverer* and *reſtorer* of England. But he met with an obſtacle which broke all his meaſures, and put him under many difficulties, that he had not foreſeen. The confident and the

partner

A. D. 1163. partner of his moſt ſecret counſels, the man whom he loved and truſted above all others, that very Becket whom he had made archbiſhop of Canterbury, chiefly with a view of being aſſiſted by him in this deſign, ſet himſelf to oppoſe it with invincible obſtinacy, and ſeemed all at once to be poſſeſſed by the ſpirit of Gregory the Seventh.

V. Stephanidem in vitâ S. Thomæ. Quadrilog. et Vit. Thom. præfixam epiſtolis. Gerv. Chron.

No change was ever ſo ſudden and violent, as that which appeared in the new prelate immediately upon his election. He affected to be now entirely given up to his ſpiritual duties: to the reading of the ſcriptures, to prayers, and to preaching. Whenever he received the communion in publick he ſhed abundance of tears; he ſighed; he groaned; *pouring forth his whole ſoul* (ſays a writer of his life) *in devotion and contrition, as if he had touched the wounds of Chriſt.* There was at all times in his converſation, and even in his aſpect, a grave and religious ſeverity. Under his canonical habit he wore the frock of a monk, and under that a rugged haircloth, next to his ſkin. Archbiſhop Theobald had doubled the ſum which his predeceſſor appropriated to charitable uſes; and Becket doubled that which had been given by him, beſtowing a full tenth of the revenues of his ſee in conſtant and ſtated alms. But he was not ſatisfied with relieving the wants of the poor: he waited on them at table, he waſhed their feet with his own hands. We are told, indeed, that theſe acts of pious humility were done by him in private: but as he uſually repeated them every night, they could not long remain unknown; and the fame of them was encreaſed by the affectation of ſecrecy. The hoſpitality of the favourite was kept up by the primate; but the mode of it was changed. He dined in publick every day with profuſion and ſplendour; but any nobles or gentlemen, who came to dine with him, were placed at another table; none being admitted to eat at his, except the monks of the convent of Canterbury, and a ſelect ſett of clergymen, both Engliſh and foreigners, who were eminent for their learning, and whom he had particularly attached to his perſon.

V. Quadrilog. l. i. c. 15. 17. & l iv. c. 12. Vit. S. Thomæ præfix. epiſt. p. 20. 24. 156, 157.

Inſtead

Inſtead of the uſual entertainment of muſick, ſome Latin book was read to him during the whole time of dinner: after which he retired to a more private apartment with thoſe learned friends, whoſe ſociety ſeems to have been his chief delight. When he was viſited by any of the regular clergy, he received them with ſuch reverence, that (to uſe the words of John of Saliſbury) "*he ſeemed to worſhip the divine preſence or angels in their perſons.*" But againſt any who were accounted ſchiſmaticks or hereticks his zeal was flaming: he refuſed all communion with them; and profeſſed, that he held them as his worſt enemies. Nor did he ſpare to blame the faults of men in power very freely, *knowing* (ſays the hiſtorian I have cited above) *that where the ſpirit of God is, there conſequently is liberty.* Thus he quickly obtained a reputation of ſanctity, eſpecially with the monks, to whom he chiefly made court, and who talked of his converſion, as a moſt evident miracle of divine Grace, poured out upon him at his conſecration. But nothing ſo much excited the wonder of mankind, as his ſending the great ſeal to Henry in Normandy with a ſhort meſſage, "that he deſired him to pro-
"vide himſelf with another chancellor; for he could hardly
"ſuffiſe to the duties of one office, and much leſs of two."
The king, at this proceeding, was no leſs alarmed than aſtoniſhed. All he had known of the temper and inclinations of Becket made it very difficult to impute his reſigning of an office, uſually held by a churchman, to a ſcruple of conſcience, or diſlike of temporal power. He therefore looked upon it as a certain indication of a higher and more dangerous kind of ambition; believing that the archbiſhop would have continued his miniſter, if he had not aſpired to become his rival, and to exalt the mitre above the crown. Theſe uneaſy apprehenſions were accompanied with the ſhame of having been duped in his choice; one of the worſt mortifications that could happen to a prince renowned for his wiſdom.

A. D. 1163.

V. Johan. in Quadrilogo, l. i. c. 15. Vit. S. Thom. præfix. epiſt. p. 23.

V. Johan. in Quadrilogo, l. i. c. 22. Vit. S. Thom. præfix. epiſt. p. 32.

When

A.D. 1163. When he came over to England full of anger and vexation on this account, Becket met him at Southampton, with the young Henry, his pupil; but was ſo coolly received, that the quick eyes of the court immediately ſaw, what many there were glad to ſee, a great decline of his favour. Another mark of it was, that the king inſiſted with him on his giving up the archdeaconry; which he was ſo unwilling to part with, that, not without difficulty and urgent repeated expoſtulations, was Henry able to wreſt it out of his hands. Certainly, there could be nothing more unfit and indecent, than for the ſame perſon to be, at the ſame time, archdeacon and archbiſhop of Canterbury. It is very ſurpriſing that the impropriety of it ſhould not have been perceived by Becket himſelf!

Diceto Imag. Hiſtor. ſub ann. 1163.

The affairs of Wales having engaged all the attention of the king for ſome time after his landing, he had no further diſputes or explanations with the primate on church affairs; and Pope Alexander, holding a council at Tours, in the ſummer of this year, eleven hundred and ſixty three, obtained his permiſſion, that it ſhould be attended by the two metropolitans, and all the biſhops of England, except three, who were excuſed on account of ſickneſs. The example of Louis, and the friendſhip which had hitherto continued ſo warm between Henry and Alexander, might render it very difficult, at this juncture of time, for Henry to refuſe the pope his conſent to a requeſt of this nature: but he ſhould have given his biſhops the ſame orders at parting, as thoſe who were permitted by his royal grandfather to attend the council of Rheims received from that prince, namely, *that they ſhould go and ſalute the pope in his name, but take care not to bring with them, at their return into England, any of that pontiff's unneceſſary inventions.* For, there could be nothing more contrary to the reformation now intended, than one of the principal purpoſes of holding this council, which we may learn, with great certainty, from the

V. Quadril. et Vit. S. Thom. ut ſuprà. Gervaſe. Neubrigenſ. Dicet. ſub ann. 1163.

V. Ord. Vital. ſub ann. 1119.

A. D. 1163.

V. Baron. Annals, ſub ann. 1163.

ſermon preached at the opening of it, wherein it was publickly and expreſly declared, *that the buſineſs of their meeting was to take care of the liberties of the clergy*, as well as to reſtore the unity of the church; and both theſe objects were recommended with equal warmth. Nor was the preacher's eloquence ineffectual. The aſſembly acted agreeably to his zealous exhortations. Even ſome of the canons made by them had a manifeſt tendency to eſtabliſh that independence of the church on the ſtate, which they had now ſo much at heart; and probably more was done, in their ſecret conſultations, to facilitate and advance the ſucceſs of their plan.

Extraordinary honors were paid to the archbiſhop of Canterbury on his arrival at Tours. Not only the citizens, and all the eccleſiaſticks of different nations that attended the council, but, by the command of the pope, all the cardinals there, except two, who were in office about his own perſon, went out to meet him. Alexander judged well, for the intereſts of the papacy, in paying this court to that prelate. His ſpiritual pride was encreaſed by it, and, together with that, his zeal for the hierarchy. A cloſe connexion was alſo formed between Alexander and him, the conſequences of which were moſt pernicious to Henry's deſigns. Nor were the other Engliſh biſhops uninfected with the ſpirit that reigned in this meeting. So very dangerous was it, in an age when the church was ſo extremely corrupted, for princes to ſuffer *thoſe great cabals of eccleſiaſticks*, that were dignified with the name of *general councils!*

One of the means, by which Becket, in concert with Alexander, judged, that the ſchemes they had formed together might beſt be promoted, was the canonization of archbiſhop Anſelm. The cauſe, which they both equally determined to maintain, was the very ſame which that prelate had eminently diſtinguiſhed himſelf in ſupporting, and for which he had ſuffered baniſhment, with many other evils,

A.D. 1163. under two kings of England. To canonize him was to ſanctify that cauſe and thoſe ſufferings: it was crowning oppoſition to the laws of the Engliſh government with the glory of heaven: nor could there be found a more proper or a more powerful artifice to ſeduce the imagination of the ignorant vulgar, and prevail with them to ſecond the zeal of Becket in a future conteſt with the crown. For this purpoſe the archbiſhop had before employed John of Saliſbury to compile a book, chiefly drawn from the writings of Eadmer, a monk contemporary with Anſelm, in which, with an account of the merit of that prelate to the ſee of Rome and the church, ſeveral miracles, ſaid to have been done by him during his life, and after his death, were recorded. This was preſented to Alexander in the council, as a ſufficient foundation for inſerting him in the catalogue of ſaints. But that pontif, though his own inclinations correſponded with this requeſt, was afraid to grant it at this time, becauſe the ſame honor was aſked for many other perſons; and therefore he waited till after the council was ſeparated, and ſent into England a bull, by which Becket was impowered to convene his ſuffragan biſhops, together with the clergy of his province, and, in caſe that they ſhould approve of it, to canonize Anſelm. Nevertheleſs, it ſeems that the archbiſhop, upon the breaking out of the quarrel between him and the king, was afraid of irritating him more by an act of this nature, or was doubtful whether his ſuffragans would concur with him in it: for we do not find that he aſſembled any ſynod upon it; and the canonization of Anſelm was deferred for ſeveral centuries, even till the reign of King Henry the Seventh. But other parts of the plan concerted with Alexander were proſecuted by Becket, upon his return into England, with all the violence natural to his vehement temper. A ſevere canon having been made in the council of Tours againſt any perſons who uſurped the goods of the church, he took occaſion from thence to ſet up ſeveral claims, as archbiſhop of Canterbury, to the lands of Engliſh barons.

V Joann. Sariſb. de vitâ Anſelm. in Angliâ ſacrâ.

V. Bullam de canonizatione Anſelm. in Angliâ ſacrâ, part. II. p. 177.

V. Concil. Canon. III.

barons. Particularly he demanded of Roger de Clare, earl of Hertford, the caſtle of Tunbridge, with the honor belonging thereunto, though it had been granted in exchange for the caſtle of Brione in Normandy to the great grandfather of the earl, by King William the Firſt, and quietly enjoyed, from that time, by the grantee and his heirs, under homage to the crown; alledging, that it had formerly belonged to his ſee, and that no grant, nor any length of poſſeſſion could be good againſt the claim of the church, according to the maxims of the Roman canon law. This alarmed all the nobility, who knew not how far his reſumptions might be carried. The king himſelf was not ſafe with reſpect to his own property: for certain caſtles and manors of the royal demeſne were claimed by the archbiſhop, as alienations from the ſee of Canterbury, the reſtitution of which he was in conſcience obliged to procure. It would be tedious to enumerate each particular inſtance, wherein, by a real or pretended zeal for the church, he diſquieted his fellow-ſubjects, or offended his ſovereign; but it is neceſſary to take notice of one, which was of a nature ſomewhat different from the others, and very material. He collated a prieſt, named Lawrence, to the rectory of Eynesford in Kent, againſt the right of patronage in the lord of the manor, William de Eynesford, who held of the archbiſhoprick, but was alſo an immediate tenant of the king. The pretence on which this was done was a general prerogative, which Becket ſuppoſed inherent in the archbiſhop of Canterbury, to preſent to all benefices in the manors of his tenants. As the claim was unprecedented, William drove out the ſervants who were ſent by Lawrence to take poſſeſſion of the church in his name. Becket did not condeſcend to determine the diſpute by proceſs of law, but excommunicated his adverſary, and without having aſked the king's conſent. This was a direct attack on the royal prerogatives. For it had been an uncontroverted right of the crown ever ſince the eſtabliſhment of the feudal conſtitution by William the Firſt, that neither the

A. D. 1163.

Gerv. Chron. ſub ann. 1163. Vit. Thomæ præfix. epiſt. Quadrilogus. Diceto. Gemit. l. viii. c. 15.

Stephanid. in vitâ Thomæ. Gervaſe act. pont. Cantuar. col. 1675. L. niger ſcaccarii, p. 54.

V Eadmer, p. 4. Diceto, col. 536.

A. D. 1163. tenants in chief, nor the ſervants of the king, could be excommunicated without his knowledge and conſent, becauſe the conſequences of that ſentence would deprive him of their ſervice. But Becket, who diſregarded both the authority and the reaſon of all ſuch laws as tended to reſtrain or controul the eccleſiaſtical power, anſwered Henry, who ſent him an order to take off the excommunication, that it did not belong to him to command any perſon to be excommunicated or abſolved. Nevertheleſs, when he found that the king inſiſted upon it, he yielded at laſt: but it does not appear, that he made any excuſe for what he had done, or acknowledged the right of patronage in the lord of the manor, or receded in the leaſt from the principles on which he had acted.

V. Stephan. in vitâ Thom. ut ſupra.

All theſe proceedings, inſtead of intimidating Henry, or averting him, by the proſpect of a violent oppoſition, from his intention of reducing the clergy to obedience, determined him to it more ſtrongly. He ſaw, indeed, that he muſt expect to find in Becket, whoſe aſſiſtance he had hoped for, his moſt intractable adverſary; but he ſaw likewiſe, that this circumſtance, however unfortunate, rendered it neceſſary to proceed with double vigour, in order to ſet timely bounds to the inſolence of a prelate, who, if he was ſuffered any longer to go on uncontrouled, would give ſuch ſpirit and ſtrength to the eccleſiaſtical faction, that it would not be afterwards in the power of the crown to vindicate it's own dignity, and the rights of the kingdom. He thought that the firſt beginning of the reformation he meditated would be moſt properly made, by taking from the clergy that ſtrange privilege, to which they pretended, of being exempt from all ſecular judicature; becauſe, ſo long as they retained it, they might ſafely perſevere in all their other encroachments on the civil authority. And he had now an occaſion of bringing on the queſtion, with the ſtrongeſt evidences of the miſchiefs that muſt attend the continuance of ſuch an immunity. Becket had lately protected ſome clergymen, guilty of

V. Quadrilog.

enormous

enormous and capital crimes, from being delivered up to the juſtice of the crown. Among others there was one accuſed of having debauched a gentleman's daughter, and of having, to ſecure his enjoyment of her, murdered the father. The king required him to be brought to judgement before a civil tribunal, that, if convicted, he might ſuffer a penalty adequate to his guilt, which the eccleſiaſtical judicatures could not inflict upon him: but this was reſiſted by Becket; which raiſing a general indignation in the publick, Henry ſummoned all the biſhops to attend him at Weſtminſter, and declared to them, in a weighty and vehement ſpeech, the reaſons of their meeting. He began by complaining of the flagrant corruption of the ſpiritual courts, which, in many caſes, extorted great ſums from the innocent, and in others allowed the guilty to eſcape with no puniſhment, but pecuniary commutations, which turned to the profit of the clergy. By theſe methods, he ſaid, they had levied in a year more money from the people than he did himſelf, but left wickedneſs unreformed, ſecure, and triumphant. He then ſet forth to them, in ſtrong colours, the very great miſchiefs that the whole kingdom had ſuffered, and the yet greater that neceſſarily muſt be expected to ariſe, from the impunity of the moſt flagitious offenders, who, under the cover of holy orders, had nothing to apprehend except ſpiritual cenſures, which wicked men little regarded. He ſaid, it was certain, that they would only be readier to offend than before, if, after the ſpiritual puniſhment, they were not liable to corporal pains: and obſerved, that, on account of the abuſe of their holy character, they deſerved to be treated with more ſeverity than any other delinquents. For theſe reaſons he demanded the conſent of the biſhops, that eccleſiaſticks convicted, or confeſſing themſelves guilty, of any heinous crime, ſhould firſt be degraded, and then immediately delivered over to the ſecular courts, for corporal puniſhment: he alſo deſired, that one of his officers might always be preſent

A.D. 1163. V. Stephan. in vitâ Thom.

V. Stephan. ut ſupra. Quadrilog. Diceto imag. hiſtor. ſub ann. 1164. Gervaſe, et Neubrigenſis, ſub ann. 1163.

A. D. 1163. ſent at the degradation of any ſuch offenders, to prevent their flying from juſtice.

Becket was conſcious that theſe complaints, though they ſeemed to be general, had a particular reference to ſome of his late proceedings. He likewiſe knew that all the laity, and even many of the clergy, had been diſpleaſed at his conduct: nor could he be ſure that the demands which Henry had made, on ſuch a foundation of juſtice, and with ſo much moderation, would not be agreed to by the biſhops, if they were to give him an immediate anſwer, while the impreſſion of his ſpeech was ſtrong on their minds. He therefore laboured very earneſtly to obtain his conſent, that no opinion ſhould be delivered by them upon what he had ſaid, till the next morning. This was denied; but he was ſuffered to confer with them apart; and, though he found them inclined to yield to a propoſition, ſupported, not only by reaſon and the law of the land, but (as moſt of them acknowledged) by the ſcripture itſelf, yet he ſo wrought upon them by arguments drawn from the canons, the authority of which had entirely taken place of the ſcripture, that, coming over to his opinion, they unanimouſly joined with him in declaring to the king, that no eccleſiaſtick ought ever to be judged in a ſecular court, or ſuffer death, or loſs of limb, for any crime whatſoever; and that, degradation from orders being a puniſhment, it would be unjuſt to puniſh twice for the ſame crime: but that, if a clergyman, who had been degraded, ſhould afterwards be guilty of other crimes, the royal judges, in that caſe, might puniſh him for them, according to their diſcretion.

Quadrilog. ut ſuprà.

Henry having reaſoned with them againſt theſe notions ſome time, and finding them obſtinate, reduced his arguments to this queſtion, *Whether they would obſerve the ancient cuſtoms and laws of his realm?* To which Becket, after ſome conſultation with his brethren, returned this anſwer, that he

Gervaſe. Neubrigenſis. Stephanides, ut ſuprà.

would obſerve thoſe laws and cuſtoms, *as far as he could, ſaving the privileges of his order and the honor of God.* Every one of the prelates, being aſked the ſame queſtion, anſwered in the ſame words. The king, extremely provoked at this evaſive reſerve, from which none but the biſhop of Chicheſter could be brought to depart, ſaid, *he perceived that a line of battle was drawn up againſt him,* and abruptly left the aſſembly. The next morning he took from Becket the government of his ſon, and the cuſtody of thoſe caſtles which had been committed to him when chancellor, and which he had not given up when he reſigned the great ſeal, though much more incompatible with his ſpiritual functions. The loſs of theſe did not pleaſe him; but it particularly grieved him to ſee the young prince, whoſe tender mind he deſired to mould to his purpoſes, taken out of his hands before he had been able to make any very laſting impreſſions upon it. Yet this he muſt have expected; unleſs he was ſanguine enough to think, that fear would now induce the king to continue to him thoſe truſts, which an immoderate and unſuſpecting affection had rendered that prince ſo laviſh in conferring.

A.D. 1163.

Gervaſe. Quadrilogus, ut ſuprà.

It appears by a letter from the biſhop of Lizieux, who knew the ſecrets of the court, that Henry's anger againſt Becket was much inflamed at this time, by a report, which had been made to him, of a converſation held by that prelate with ſome intimate friends, in which he had ſpoken of him irreverently, with an air of ſuperiority, and as one who thought he could eaſily controul and over-rule him in any undertaking, from the reciprocal knowledge they had of each other's abilities. Upon this the king ſaid, that it was neceſſary for him to exert his whole power, ſince he found he muſt now contend for his royal dignity; and an agreement would be impoſſible; for neither would he derogate in any manner from *that*, nor would the archbiſhop deſiſt from his attempt.

V. Epiſt. 85. l. i. Epiſt. Thom. Becket.

The

A. D. 1163.

The ſame letter informs us, that if there were ſome perſons, to whom the behaviour of Becket appeared to proceed from an extraordinary ſanctity and zeal for religion, there were others who ſaw it in very different lights. They ſaid, "His ambition was much better gratified, by holding that "power independently, and through the reverence due to "an eccleſiaſtical dignity, which before he had only enjoyed "under the favour and at the will of another. That, being "ſo raiſed, he was no longer content to ſit at the foot, or "even by the ſide, of the throne; but threatened the crown "itſelf: intending to bring it into ſuch a dependence on "his authority, that the ability to beſtow and to ſupport it "ſhould principally belong to the church. That he ſet out "with oppoſing the king's commands, in order that all "might appear to be abſolutely ſubdued to his government: "ſince no hope of reſiſting could be left to any others, "where the royal authority itſelf was forced to ſubmit."

V. Epiſt. 85. ibidem.

We alſo learn from the ſame evidence, that the nobility of the kingdom were ſtrongly confederated with the king againſt the archbiſhop, and repreſented to him, "how much it would "diſhonor his character, if he, who exceeded all his prede-"ceſſors in power, ſhould reign leſs worthily, or act more re-"miſsly, than they had done, in defending the dignity and the "rights of his crown." Henry did not want theſe inſtigations. But, though he reſolved to maintain his royal prerogatives with the neceſſary ſpirit and firmneſs, he proceeded as one who wiſhed to conquer rather by art than force. All methods were uſed by him to gain the biſhops to his ſide, or at leaſt to divide them, and break their aſſociation: in which he ſo far ſucceeded, that many of them were inclinable to yield to what he deſired, being only reſtrained from it by the fear of drawing on themſelves the cenſures of Rome, if, in a cauſe of ſuch importance to the intereſt of that ſee, they ſhould diſcover leſs alacrity than the archbiſhop of Canterbury. This being

V. Epiſt. cit. ut ſuprà.

Gervaſe. Quadrilogus, ſub ann. 1163.

being evident, the whole policy of the king was exerted in trying to overcome the obſtinacy of Becket. He threatened, he entreated, he even prevailed upon himſelf to flatter the man, whom he once had loved and now hated. But that prelate had too much ſenſe, and knew courts too well, to think that favour could be regained after a ſtruggle for dominion with his maſter. He therefore continued as inflexible to the allurements of Henry, as unſhaken by his menaces, which had no effect on a mind, that was naturally intrepid, and in beginning this diſpute had determined to ſtand all the perilous conſequences, with which it might be attended. In vain did the moſt diſcreet and ſober of his friends put him in mind of the reſpect he owed to his ſovereign: in vain did they ſet before him the ingratitude of his conduct, or the diſturbance and danger, which, by perſevering in it, he would bring on the whole kingdom, as well as himſelf. All this he anſwered by pleading his zeal for the church, which ſuperſeded all duties, and cancelled all obligations. When the biſhop of Chicheſter, among others, preſſed him to alter thoſe words, which were ſo diſagreeable to the king, and laboured to convince him, that a regard for the peace of the church, in this conjuncture, ought to induce him to proceed with more moderation, it only drew from him a ſevere reprimand to that prelate, for having taken the liberty to propoſe other words in the aſſembly at Weſtminſter. He went ſo far as to ſay, that *if an angel ſhould come from heaven, and adviſe him to make the acknowledgement deſired by the king, without the ſaving he had thrown in, he would anathematiſe him.* Yet he was afterwards brought to make that acknowledgement, and part with his ſaving clauſe, by the authority of the pope's almoner, who then was at London, and whoſe advice, it ſeems, he was willing to take even preferably to that of *an angel from heaven!* This man pretended he had orders from his Holineſs, to perſuade him to obey the will of the king; in which, I imagine, he went beyond his commiſſion: for, though Alexander

A. D. 1163.

Gervaſe.

V. Stephan. in vitâ Thom. Becket.

Quadrilogus, ſive hiſtoria quadripartita.

A. D. 1163. might in general recommend to him a prudent complaiſance to his ſovereign, as he himſelf was obliged to cultivate the friendſhip of that prince, yet he could hardly intend to authoriſe, and much leſs to injoin, ſuch a conceſſion as this, againſt all the intereſts and avowed pretenſions of Rome. Probably, the almoner was gained by the king, who often negociated more ſucceſsfully with the pope's miniſters, than he could with the pope, and would doubtleſs exert, on this occaſion, his utmoſt liberality. It is affirmed by ſome of thoſe who have written Becket's life, that the archbiſhop was told, before he yielded this point, that Henry had ſworn to require nothing of him prejudicial to the church, deſiring only that a mark of reſpect ſhould be given to him in the preſence of his nobility; to which effect *a mere ſhadow of conſent would ſuffice.* But this ſeems to have been invented by the panegyriſts of that prelate to juſtify the apparent inconſiſtency of his conduct: for he perfectly knew to what his conſent was demanded, and the intention of the king in that demand. However this may have been, he went to Henry at Oxford, and there promiſed to obſerve the cuſtoms of the kingdom, without any exception or reſerve. The king received him with an appearance of great ſatisfaction, but not with the confidence he had formerly ſhewn him. Nor yet would he content himſelf with this verbal promiſe, but ſoon afterwards called a parliament to meet him at Clarendon, wherein ſuch rights of the crown and cuſtoms of the realm, particularly with regard to judicial proceedings, as had been in uſe under the government of King Henry the Firſt and his royal predeceſſors, being recollected upon memory, and ſet down in writing, by the moſt ancient perſons there, it was likewiſe deſired that the whole aſſembly ſhould take an oath to obſerve them. This met with no difficulty on the part of the laity; but Becket objected to it, as very different from the general promiſe he had given. The king and the temporal lords expreſſed great anger at this unexpected oppoſition; which

Quadrilogus, c. 20.

Quadrilogus. Gervaſe.

See the preamble to the conſtitutions in the Appendix. See alſo Epiſt. 126. e Cod. Cotton. in the Appendix.

M. Paris, p. 85.

Quadrilogus. Hoveden. Gervaſe, ſub ann. 1164.

which indeed might well offend them; ſince it amounted to a confeſſion, that he had meant to impoſe on his ſovereign, and fraudulently evade the obedience he had promiſed. But the biſhops concurred with him, not daring to abandon their primate, in a conteſt againſt laws, which they were aſſured the ſee of Rome would join with him in condemning, as repugnant to the rights and liberty of the church, and *to the fidelity they owed to their lord, the pope* (as the biſhop of London expreſſed himſelf in a letter he afterwards wrote upon this ſubject to Becket.) For three days ſucceſſively the temporal barons and they debated this point; but about the end of the third day, while they were ſitting and conferring privately in a ſeparate room, the whole body of the nobility, incenſed at the obſtinacy, with which they continued to oppoſe the king's demand, came ſuddenly to them, in a tumultuous and violent manner, and extending their arms in a threatening attitude, accoſted them with theſe words, "Take notice, you who con-"temn the laws of the realm, who refuſe to obey the orders of "your ſovereign: theſe hands, theſe arms, which you behold, "are not ours: they are the king's; our whole bodies are "his, and at this inſtant moſt ready to be employed in his "ſervice, or to revenge any injury done him, in ſuch man-"ner, as ſhall be moſt conformable to his will; and at his leaſt "nod. Whatever command he ſhall be pleaſed to lay upon "us, we ſhall think it moſt juſt, and obey it moſt willingly, "without examining any further. Be better adviſed; incline "your minds to what is required of you; that, while it is in "your power, you may eſcape from a danger which will very "ſoon be inevitable." This was a language and behaviour moſt hurtful to the king, and very unbecoming the nobility of England aſſembled in parliament. It violated the freedom eſſential to the nature of ſuch an aſſembly, and greatly impeached the legality of all their proceedings. But there was ſtill in our parliaments a remainder of barbariſm and ferocity, not unlike what is now ſeen in ſome Poliſh diets. And the impatient

A. D. 1164.

V. Epiſt. 126. eCod. Cotton. in Append.

V. Epiſt. in Append.

A. D. 1164. tient ſpirit of the nobility was more than uſually heated on this occaſion, by the intereſt they had in the confirmation of laws ſo neceſſary to the general weal of the kingdom, and by their indignation at the confederacy, which now became apparent, between the pope and the Engliſh prelacy, under the conduct of Becket, to ſubject the temporal power to the eccleſiaſtical. Having long endeavoured, without ſucceſs, to reaſon the biſhops into a better temper of mind, they now began to treat them, rather as enemies to their country than members of a free legiſlature, whoſe determinations ought always to be exempt from the leaſt ſhadow of violence or compulſion. Yet, in deſpite of their menaces, the prelates remained firm, believing, perhaps, that their fury, to whatever height it might riſe, would be reſtrained from any outrage by the prudence of the king. Becket alone, after the temporal lords were departed, withdrew from his brethren, and went to conſult with the prior of the Temple in London, and another knight templar, his particular friend, who both exhorting him to ſubmit to the orders of the king, he returned to the biſhops, and ſpoke, in the hearing of them all, theſe very remarkable words: "*It is my maſter's pleaſure that I ſhould forſwear myſelf, and at preſent I ſubmit to it, and do reſolve to incur a perjury, and repent afterwards, as I may.*" The biſhops heard him with aſtoniſhment, and were not a little ſcandalized at what he had ſaid. Yet they went with him to the king and the other barons in parliament, to whom he declared his aſſent to the conſtitutions propoſed, and promiſed *in the word of truth, that he would obſerve them in good faith, and without deceit*; which was the uſual form of all promiſſory oaths at that time. Having thus bound himſelf, he injoined the other biſhops by the canonical obedience they owed him to take the ſame engagement; which they all did in the ſame words. They then ſigned the articles, and ſet their ſeals to them; but this Becket declined: a reſerve which does him no honor! for, after a ſolemn promiſe, that he would

V. Epiſt. 126. in Append.

Quadrilogus. Gervaſe.

V. Epiſt. 126. in Append.

See the preamble to the conſtitutions in the Append.

Epiſt. 126. e Cod. Cotton. in Appen. &c.

Epiſt. 12. l. i. e Cod. Vatic. Gervaſe. Hoveden. Quadrilogus.

would obſerve thoſe conſtitutions, it was inconſiſtent and trifling to ſcruple the ſigning or ſealing of them. The omitting of this form did not at all mend his caſe, or take off from the incongruity of his ſubſequent conduct: for, beſides his verbal engagement, the conſent he had given to the articles is expreſly declared in the preamble to the act itſelf; which was, undoubtedly, as ſtrong a teſtimony againſt him, as his ſubſcription or ſignature; and all authors agree, that he received one counterpart, or authentic copy of it, into his cuſtody; another being delivered to the archbiſhop of York, and a third retained by the king himſelf, to be enrolled among the royal charters. If therefore there is any weight in this circumſtance, it can only ſhew that he was looking for ſubterfuges, where none could be found, a little to palliate the guilt of that perjury, which (as he had told the biſhops) he was deliberately reſolved to incur.

A. D. 1164.

See the preamble in the Appendix.

It was not, I preſume, from his having leſs obſtinacy or courage than his brethren, that he was the firſt to forſake a cauſe, of which he had been the warmeſt champion; but from his being perſuaded that his danger was greater, and that he ſhould be ſingled out from all the others, to bear the whole weight of his ſovereign's indignation, which he ſaw the nobility diſpoſed to aggravate. And this apprehenſion was well founded. For, beſides that it is uſual, when any great bodies of men have offended againſt a ſtate, to puniſh the head, rather than the members, Henry muſt have deſired, both from paſſion and policy, to ſet a particular mark of his royal diſpleaſure, in the iſſue of this buſineſs, upon one who had ſo treacherouſly deceived his affection, and whom naturally he muſt hate, in proportion as he had loved him, above all others. Nor did that prelate intend to give up the conteſt in reality, but only to temporiſe, and avoid the inſtant danger.

In my relation of this tranſaction there are ſome particulars of great importance, which differ from all the accounts that have been hitherto given by other writers: but they are

founded

A. D. 1164. founded upon the moſt unqueſtionable authority, upon a letter written by Gilbert Foliot, then biſhop of London, to Becket himſelf, during his exile, concerning this matter. I have before made ſome uſe of other paſſages in this letter, which, among many other epiſtles to and from the archbiſhop, has been preſerved in a manuſcript, which appears to be of that age, in the moſt valuable collection of our Engliſh antiquities, the Cotton library; from whence it is tranſcribed into the Appendix to this volume. A very ſtrong preſumptive proof of the truth of the facts atteſted there, relating to Becket's behaviour, and that of the other biſhops in the council of Clarendon, is their remaining uncontradicted by the primate himſelf, who, if he had not been ſilenced by the teſtimony of his own conſcience, muſt have loudly complained of ſuch a miſrepreſentation, capable of being diſproved by all his brethren then preſent, to whom he might have appealed againſt the calumny invented by Foliot. But he never anſwered this letter. It muſt alſo be obſerved, that Baronius, who, in writing of theſe times, has tranſcribed ſeveral letters out of the Vatican manuſcript of the ſame collection, and particularly that to which this appears to be an anſwer, has omitted to tranſcribe or mention this: and (what is no leſs remarkable) in the printed edition made at Bruſſels, from the Vatican manuſcript, this is alſo left out. By which ſuppreſſion of evidence, upon a point ſo important to the character of one of their greateſt ſaints, we may judge of the credit due to the clergy of that church in eccleſiaſtical hiſtory.

Cod. Vat. l. i. Epiſt. 108. Thomas Cantuar. eccleſiæ humilis miniſter Gilb. epiſc. Lond. Quod ſemel, hoc iterum. Sic tranſire per bona temporalia, ut non amittat æterna.

Sixteen articles of this charter, or code of laws, which is called *the conſtitutions of Clarendon*, related particularly to eccleſiaſtical matters, whereof the ten following were the moſt contradictory to the pretenſions of the clergy and ſee of Rome.

1. If any diſpute ſhall ariſe concerning the advowſon and preſentation of churches, between laymen, or between eccleſiaſticks

ſiaſticks and laymen, or between eccleſiaſticks, let it be tried and determined in the court of our lord the king. A. D. 1164

2. Eccleſiaſticks arraigned and accuſed of any matter, being ſummoned by the king's juſticiary, ſhall come into his court, to anſwer there, concerning that which it ſhall appear to the king's court is cognizable there; and ſhall anſwer in the eccleſiaſtical court, concerning that which it ſhall appear is cognizable there; ſo that the king's juſticiary ſhall ſend to the court of holy church, to ſee in what manner the cauſe ſhall be tried there: and if an eccleſiaſtick ſhall be convicted, or confeſs his crime, the church ought not any longer to give him protection.

3. It is unlawful for archbiſhops, biſhops, and any dignified clergymen of the realm, to go out of the realm without the king's licenſe; and if they ſhall go, they ſhall, if it ſo pleaſe the king, give ſecurity, that they will not, either in going, ſtaying, or returning, procure any evil, or damage, to the king, or the kingdom.

4. Perſons excommunicated ought not to give any ſecurity by way of depoſit, nor take any oath, but only find ſecurity and pledge to ſtand to the judgement of the church, in order to abſolution.

5. No tenant in chief of the king, nor any of the officers of his houſhold, or of his demeſne, ſhall be excommunicated, nor ſhall the lands of any of them be put under an interdict, unleſs application ſhall firſt have been made to our lord the king, if he be in the kingdom, or if he be out of the kingdom, to his juſticiary, that he may do right concerning ſuch perſon; and in ſuch manner, as that what ſhall belong to the king's court ſhall be there determined, and what ſhall belong to the eccleſiaſtical court ſhall be ſent thither, that it may there be determined.

A.D. 1164. 6. Concerning appeals, if any ſhall ariſe, they ought to proceed from the archdeacon to the biſhop, and from the biſhop to the archbiſhop. And, if the archbiſhop ſhall fail in doing juſtice, the cauſe ſhall at laſt be brought to our lord the king, that by his precept the diſpute may be determined in the archbiſhop's court; ſo that it ought not to proceed any further without the conſent of our lord the king.

7. If there ſhall ariſe any diſpute between an eccleſiaſtick and a layman, or between a layman and an eccleſiaſtick, about any tenement, which the eccleſiaſtick pretends to be held in frank almoigne, and the layman pretends to be a lay fee, it ſhall be determined before the king's chief juſtice by the trial of twelve lawful men, whether the tenement belongs to frank almoigne, or is a lay fee; and if it be found to be frank almoigne, then it ſhall be pleaded in the eccleſiaſtical court; but if a lay fee, then in the king's court; unleſs both parties ſhall claim to hold of the ſame biſhop or baron: but if both ſhall claim to hold the ſaid fee under the ſame biſhop, or baron, the plea ſhall be in his court: provided that by reaſon of ſuch trial the party who was firſt ſeized ſhall not loſe his ſeizin, till it ſhall have been finally determined by the plea.

8. Whoſoever is of any city, or caſtle, or borough, or demeſne manor, of our lord the king, if he ſhall be cited by the archdeacon or biſhop for any offence, and ſhall refuſe to anſwer to ſuch citation, it is allowable to put him under an interdict; but he ought not to be excommunicated, before the king's chief officer of the town be applied to, that he may by due courſe of law compel him to anſwer accordingly; and if the king's officer ſhall fail therein, ſuch officer ſhall be at the mercy of our lord the king; and then the biſhop may compel the perſon accuſed by eccleſiaſtical juſtice.

9. Pleas

9. Pleas of debt, whether they be due by faith ſolemnly pledged, or without faith ſo pledged, belong to the king's judicature. A.D. 1164.

10. When an archbiſhoprick, or biſhoprick, or abbey, or priory, of royal foundation, ſhall be vacant, it ought to be in the hands of our lord the king, and he ſhall receive all the rents and iſſues thereof, as of his demeſne; and when that church is to be ſupplied, our lord the king ought to ſend for the principal clergy of that church, and the election ought to be made in the king's chapel, with the aſſent of our lord the king, and the advice of ſuch of the prelates of the kingdom as he ſhall call for that purpoſe; and the perſon elect ſhall there do homage and fealty to our lord the king, as his liege lord, of life, limb, and worldly honor (ſaving his order) before he be conſecrated.

I ſhall have occaſion, in another part of this book, to mention the contents of the ſix other articles. Some conſtitutions were likewiſe added, not relative to the church, which will hereafter be conſidered among the laws of this king: and at the end of the act there was a general clauſe, to ſave and confirm to the church, the king, and the barons, all other their rights and dignities not therein contained.

It is very remarkable that the biſhop of Wincheſter did not endeavour to gain the favour of the pope, and once more put himſelf at the head of an eccleſiaſtical faction in England, by making a firm oppoſition to theſe proceedings. He could not want inclination to take this part, diſgraced as he was and diſſatisfied with Henry; but he ſaw that the temper of the nation was changed, and would not ſupport him now againſt the civil power, as it had done in the heat of their quarrel with his brother. Anger in ſubjects acts as violently as ambition in kings: and thus, when a prince, by ruling ill, forſakes

A. D. 1164 his true intereſt, it often happens that his people are drawn to depart no leſs from their's, and blindly give themſelves up to the conduct and direction of any one man, or ſett of men, who will gratify their reſentments, by oppoſing the court, however improper in itſelf, or however criminal in it's motives, that oppoſition may be. To ſuch a rage of diſcontent it was undoubtedly owing, that ſo great a part of the laity, in Stephen's reign, had joined with the clergy under the biſhop of Wincheſter, in ſome of their attempts againſt the ancient rights of the crown, without reflecting how materially they themſelves were concerned in the maintenance of thoſe rights. But the good ſenſe of that prelate enabled him to judge, that, while the general welfare of the ſtate was the ſole object of government in all it's meaſures, the pretenſions of a factious clergy would not be eſpouſed as the cauſe of the publick. And he had reaſon to fear, that, if he began to be turbulent, Henry might be provoked to revenge his mother's quarrel, together with his own, by purſuing him to deſtruction. He therefore ſubmitted, as well as the other biſhops, to what the preſent diſpoſition of the nation required; not having the obſtinate ſtiffneſs of a bigot, but a ſupple and flexible mind, which could, without difficulty, accommodate itſelf, in all political meaſures, to the ſpirit and bent of the times.

V. Epiſt. 4. l. 1. V. etiam Wilhelm. in vitâ S. Thomæ præfix. epiſt. c. 24. p. 44.

It appears by a letter from Alexander to Becket, dated the third of the Calends of March in the year eleven hundred and ſixty four, that ſome time after the breaking up of the council of Clarendon Becket had joined with the archbiſhop of York, in writing to that pontiff, to ſupport a requeſt which Henry made, by Geoffry Ridel, archdeacon of Canterbury, and John of Oxford, *that his Holineſs would confirm the ancient cuſtoms and dignities of his realm, by the authority of the apoſtolick ſee, to him and his ſucceſſors.* But the pope ſays, in the ſame letter, that he had refuſed his aſſent. And one cannot wonder that he did; for ſuch a requeſt was, in reality, deſiring the aſſiſtance of the papal power againſt itſelf. Indeed a bull

bull had been granted by Pope Calixtus the Second to King Henry the Firſt, which confirmed all the laws and cuſtoms of his realm: nor is it improbable that Henry the Second relied on that precedent in making this application; Alexander being now, as Calixtus was then, driven from Rome by a ſchiſm: but many circumſtances made a difference, both in the times and the queſtion. The papal authority had not gained ſuch a footing in England under King Henry the Firſt, as under his ſucceſſor; and therefore leſs was given up by the grant of Calixtus, than would have been ſacrificed by Alexander, if he had ſent one of the ſame purport to Henry the Second. Nor had Henry the Firſt, when he obtained that conceſſion, engaged himſelf ſo far in favour of Calixtus as his grandſon had now done in favour of Alexander; and with the court of Rome, as other courts, no gratitude for paſt ſervices has ſo much weight as preſent utility. Every act, by which the laſt of theſe princes had ſupported and ſtrengthened the party of Alexander, eſpecially in having fixed the king of France to his ſide, had made him more independent, and, conſequently, leſs tractable to any demands prejudicial to the intereſts and views of his ſee. It would, indeed, have been more beneficial to the king of England's affairs in many points, and particularly in all his diſputes with the church, if he had joined at firſt with the emperor in acknowledging Victor, and had prevailed on Louis to concur with him in that determination: becauſe a pope of the imperial faction, ſet up and ſupported by the emperor, muſt neceſſarily have acted with more regard to civil government, than the aſſociate of Gratian in compiling the *decretum*, whoſe exaltation was owing to his known zeal for the papacy, and for the whole ſyſtem of eccleſiaſtical power. We may judge of what might have been expected from Victor, by the promiſe which he made to the biſhops of Germany, in one of the councils held there, to give up that great prerogative of the papal ſupremacy, the receiving of appeals to his ſee. It was therefore a conſiderable

A. D. 1164.

Saxo Grammat. ſub ann. 1163.

A. D. 1164. error in Henry to favour the adverſary of this pontif, and render himſelf the patron and chief ſupport of that faction, which in it's temper and principles was moſt repugnant to the purpoſe he had in view. By what means he was drawn into ſo unhappy a miſtake has before been ſhewn. But, as things were now circumſtanced, it was hardly to be hoped, that he ſhould obtain more of Alexander, than a ſilent acquieſcenſe in the confirmation of his cuſtoms by a parliamentary ſanction: and it is ſurpriſing he ſhould aſk for any thing further; becauſe (as we are informed by the above-cited letter from Alexander to Becket) he had applied to the former, before the aſſembly at Clarendon, by the biſhop of Liſieux, and the archdeacon of Poitiers, for a mandate to be ſent to all the Engliſh biſhops, wherein the pope ſhould require them to obſerve the ancient cuſtoms and dignities of the realm; which his holineſs had refuſed to grant him, without ſuch modifications and temperaments, as would have defeated the purpoſe for which it was deſired. But it ſeems that the diſſimulation and falſeneſs of Becket deceived the king in this matter. For, at the very time when, conjointly with the archbiſhop of York, he applied to Alexander to confirm the conſtitutions of Clarendon, he had ſuſpended himſelf from celebrating maſs, in teſtimony of his penitence for the crime he had committed by conſenting to thoſe laws: and there is extant a letter from that pontif to him, dated on the Calends of April, which injoins him to return to the ſervice of the altar, leſt his abſence from it ſhould occaſion a publick ſcandal; and abſolves him from his ſin, out of regard to the neceſſity he was ſuppoſed to be under, and to his intention in giving that unwilling conſent. His having acted this part was a ſecret to Henry: but it is probable that the pope, by his agents in England, had early notice of it; and conſequently he would pay but little regard to any thing done or ſaid by Becket merely with an intention to impoſe on the king.

V. Epiſt. 4. l. i.

V. Epiſt. 26. l. i.

Another

Another requeſt had been made to Alexander by Henry, and preſſed with great eagerneſs, which was, that a commiſſion ſhould be granted by his Holineſs to the archbiſhop of York, appointing him legate over the whole kingdom of England, and ſhould be ſent to Henry, to be delivered by him to that prelate, whenever he ſhould think proper. This was agreed to, but under ſuch a reſtriction as rendered it ineffectual: for, before it could be obtained, a promiſe was made by the king's miniſters in his name, that he would not deliver the commiſſion without the knowledge and conſent of Becket. It is ſurpriſing that they ſhould not have diſcerned the inutility of this pretended favour. Nor is it eaſy to account for the conduct of the pope, who, in notifying it to Becket, took no notice to him of the limitation under which it was granted! But not long afterwards, when he found that a great alarm had thereby been given to that prelate, who apprehended from it both diſgrace and danger to himſelf, he informed him, by another letter, of the condition he had annexed to this illuſory grant, and promiſed him, if the king ſhould make any uſe of it, to exempt his perſon, and the church and city of Canterbury, from the archbiſhop of York's juriſdiction. Indeed this aſſurance was needleſs: for Henry, finding himſelf clogged by the promiſe given by his miniſters, which he abſolutely diſavowed, ſent back the commiſſion, and could obtain no other ſo unlimited as to anſwer his purpoſe.

A.D. 1164.
V. Epiſt. 4. l. i.
V. Epiſt. 5. l. i.
V. Epiſt. 4. ut ſupra.
V. Epiſt. 5. ut ſupra.
V. Epiſt. 6. l. i.

Theſe applications to the pope having entirely failed, and the king imputing his diſappointments therein to Becket, all amity between them apparently ceaſed, and the archbiſhop, being reſolved not to recover his favour, by the only effectual means, obedience to his laws, began to apprehend his reſentment, and in order to ſhelter himſelf from the ſtorm, which he foreſaw would ſoon riſe, determined to go immediately out of the kingdom.

V. Hiſtoriam Quadripartitam.

The doing this without a permiſſion from the king was a very high miſdemeanour, and particularly forbidden by the conſtitutions

A. D. 1164. conſtitutions of Clarendon: but he now thought, or profeſſed to think, that the diſregarding of thoſe ſtatutes, though he had ſworn to obſerve them, was an act of religion. Nor was it his intention, in flying out of England, to abandon the cauſe he had ſo deliberately engaged in; but he ſuppoſed that he ſhould ſerve it with more advantage abroad, in the preſent ſtate of affairs, than by remaining expoſed to the indignation and power of Henry within his realm. Anſelm and Theobald had ſet him the example of a voluntary exile on ſimilar occaſions; and he hoped that by working on the bigottry and ſimplicity of the French monarch, and by animating the pope to more vigorous meaſures, he ſhould force his ſovereign to give up the conſtitutions of Clarendon, and then return with ſecurity and in triumph to his ſee. For this purpoſe he had ſent an agent to Louis, by whom the mind of that prince was diſpoſed to afford him protection and aſſiſtance. Not doubting therefore of a ſafe and friendly aſylum, he went by night to the port of Rumney, with all poſſible ſecrecy, and attended only by two domeſticks ſet ſail for France. But, having been twice driven back by contrary winds, he returned to Canterbury juſt in time to prevent the king's officer's, who, upon the report of his flight, had been ſent with a commiſſion to ſeize his temporalities, from executing their orders. That report had given Henry no ſmall diſquiet, becauſe he feared that a blemiſh might have been thrown upon his character, as if he had driven the archbiſhop from his ſee, in a tyrannical manner, without a legal proceſs. Beſides this apprehenſion, to which he expreſſed a great ſenſibility, he had another and a very ſtrong reaſon for his uneaſineſs. He was then in ſuch circumſtances, that an enemy, or a rebel, eſpecially one who was acquainted with all the ſecrets of his foreign affairs, could hurt him infinitely more, abroad than in England. The news therefore of Becket's having failed in his attempt was received by him with great joy; and when that prelate came to him at his palace of Woodſtock, he ſo maſtered

Quadrilogus. Gerv. Chron. ſub ann. 1164.

V. Epiſt. 126. e Cod Cotton. in Append.

maſtered his paſſion as to treat him very mildly. One word only dropped from him in the courſe of their converſation, which diſcovered the real ſentiments of his heart. He aſked the archbiſhop, as it were jeſtingly, "whether the reaſon of "his having deſired to go out of his territories, was, *that the "ſame land could not contain them both.*" What reply Becket made to this embaraſſing queſtion we are not told: but at his return from the palace he notified to his friends, that, although the king diſſembled with him he clearly ſaw, he muſt either ſhamefully yield, or manfully combate; for he ſhould preſently be put to the proof. Being perſuaded of this, he choſe rather to begin than wait for hoſtilities, openly oppoſing the laws enacted at Clarendon, protecting churchmen who had offended againſt them, and expreſſing by his whole conduct a deliberate purpoſe to exalt the eccleſiaſtical above the civil power. All the nobles were alarmed, and Henry was told in plain words by ſome of his counſellors, *that, if he did not take care of himſelf and his ſucceſſors, it would come to that paſs, that He whom the clergy ſhould elect would be king, and only ſo long as it ſhould pleaſe the archbiſhop.* What England had ſeen under Stephen gave a force to theſe admonitions: but there was now on the throne a prince of much greater abilities, who determined to guard it againſt any ſuch inſults; and an occaſion of executing that reſolution, in a proper and legal manner, ſoon offered itſelf to him.

A D. 1164.

Quadrilogus, ſive Hiſtor. Quadripartita, l. i.

V. Hiſt. Quadripartitam.

Quadrilogus. Stephanides, in vitâ S. T.

A royal mandate having been ſent to Becket, requiring him to do juſtice to a great officer of the houſhold, John, the king's mareſchal, concerning an eſtate which he claimed from the church of Canterbury; and, the limited time being paſt, that nobleman now brought his complaint to the king, that juſtice was denied him by the archbiſhop. He alſo declared that he had gone through the neceſſary forms for removing the cauſe out of the court of Canterbury into the king's court. Whereupon a citation was ſent to Becket from the king, by which that prelate was ordered to appear before him,

V. Epiſt. 126. e Cod. Cotton. in Append. Quadrilog.

A. D. 1164. upon a fixed day. But his anſwer to this ſummons was an expreſs declaration, *that he would not obey it*. Which appearing greatly to derogate from the king's right and dignity, it was thought proper to bring him before the high court of parliament, to anſwer for this offence, and ſeveral others he was charged with on the part of the crown. A great council was accordingly ſummoned at Northampton, *to which* (ſays the biſhop of London in his letter to Becket) *the whole people came, as one man*. Thoſe of the aſſembly, who by their rank and dignity were entitled to ſit in the preſence of the king, having taken their ſeats, Henry complained to them, in very moderate and decent terms, of the contempt of his mandate ſhewn by the archbiſhop of Canterbury; who, being called upon to anſwer, confeſſed the fact, only alledging in excuſe of it, that the mareſchal had failed in point of form, becauſe he had taken the oath required of him to authoriſe the appeal, not upon the goſpel, as he ought to have done, but upon the pſalter, or a book of hymns then uſed in churches. This plea was judged inſufficient; the court condemned the archbiſhop, as guilty of contumacy againſt the king's majeſty; becauſe, having been cited by the king, he neither came, nor alledged by meſſage any infirmity of body, or neceſſary function of his ſpiritual office, which could not be delayed: and therefore, they decreed his goods and chattles to be all at the mercy of the king. The biſhops unanimouſly concurred in this ſentence with the temporal barons; and it being underſtood that a fine of five hundred pounds (equivalent in thoſe days to ſeven thouſand five hundred in theſe) would be accepted by Henry, Becket ſubmitted to pay that ſum, and found ſureties. We are told by one author, that this ſentence was pronounced by the biſhop of Wincheſter, at the command of the king: but I think the fact very doubtful. Nor do I give much credit to what the ſame hiſtorian relates of the refuſal of Foliot biſhop of London to concur with all his brethren, in being ſureties for Becket:

V. Epiſt. prædict.

Ibidem.

Ibidem.

V. Stephanid. in vitâ S. T.

V. Herebert. in vitâ Becket præfix. epiſtolis, et in Hiſt. Quadripartitâ. Gerv. Chron. collect. 1389. Hoved. Ann. ſub ann. 1165. V. Stephan. in vitâ S. T.

Becket: as I do not find him reproached with it in any of the letters written afterwards by that prelate, or any of his friends, on this ſubject. Such a ſingularity would have certainly deſerved animadverſion, and they were much inclined to cenſure him wherever they could. A. D. 1164.

The next day, the king demanded of the archbiſhop five hundred pounds, which he ſaid he had lent him, when that prelate was his chancellor. Becket affirmed that it was given, not lent: but, as he could not prove the grant, the court condemned him to pay the money back; and he ſubmitted to the ſentence; five of his vaſſels offering themſelves to be his ſureties, as they ſaw the biſhops unwilling to pledge themſelves for him any further. But on the third day a higher charge was brought againſt him; it being alledged that having had, while he was chancellor, the rents of ſeveral vacant abbies and biſhopricks, with other caſual profits belonging to the crown, many years in his hands, he never had given any account of them, which now the king required him to do. He ſaid, that not having been cited concerning this matter, he came not prepared to make a preſent anſwer to it; but in due time and place he would not fail to do the king right. It would have been unjuſt to deny him ſo neceſſary a delay; nor did Henry object to it, or preſs him to come to an immediate account, but only demanded ſureties: whereupon he deſired leave to conſult with the biſhops; and the king permitted him to go with them into a ſeparate room. The difficulty, upon which he requeſted their advice, was indeed very perplexing. His expences, while he was chancellor, had been enormous, and much beyond what the income of his employments or benefices, great as they were, could ſupply. The chief ſupport of that magnificence was the king's money in his cuſtody, of which, during the time that he continued a favourite, his indulgent maſter had neglected to aſk an account, and he had never given any. But that omiſſion, which favour had connived at, anger would not overlook,

Vit. S. T. Cantu. præfix. epiſt. p. 47. c. 26. Gerv. Chron. ſub ann. 1164.

V. Epiſt. 6. & 33. l. ii. e Cod. Vatic. & Hiſt. Quadripartitâ. & Gerv. Chron.

A. D. 1164. and juſtice could not, when it was made a legal charge. Senſible of this he reſolved in his own mind to ſubmit to no examination, and not to attempt to find ſecurity for what he could not perform; but wiſhed much to be ſupported by the authority of his brethren in reſiſting the demand. The biſhop of Wincheſter, who inclined to ſerve him, reminded the other prelates, that on his election to the ſee of Canterbury he was given to the church *free and diſcharged from all the bonds of the court*; as had been declared in their hearing by the king's juſticiary. And it is ſaid in a letter from the biſhop of London on this ſubject, *that many thought his promotion a ſufficient diſcharge from all the obligations he had contracted in the court.* But that prelate himſelf was of another opinion, and therefore adviſed him to reſign his archbiſhoprick into the hands of the king, as the only means that could be found to draw him out of this difficulty, by appeaſing the reſentment of that monarch againſt him. The biſhops of Chicheſter, Lincoln, and Exeter expreſſed their aſſent to this counſel; but the biſhop of Wincheſter ſaid it would be a precedent of dangerous conſequence to them all, and of great prejudice to the liberty of the church. The biſhop of Worceſter ſpoke doubtfully; and a long ſilence enſuing, Becket roſe up, and deſired to ſpeak with the earls of Leiceſter and Cornwall, who were then with the king. Theſe lords being called to him, he told them that the perſons to whom his cauſe was beſt known not being then preſent there, he prayed a reſpite till the next day, at which time he would make his anſwer *as God ſhould inſpire him.* Which being explained to the king by the biſhops of London and Rocheſter, as purporting that he would then deliver in his accounts, that prince ſent back the two earls abovementioned, to ſignify his aſſent to the delay requeſted by him, if he would perform on his part, what the two prelates, his ſuffragans, had promiſed in his name. But he denied that he had authoriſed them to carry ſuch a meſſage, and repeated again his former words. Nevertheleſs the king

V. Hiſt. Quadripartitam, c. 27.

V Epiſt. 120. e Cod. Cotton. in Append.

V. Hiſt. Quadripartitam.

Ibidem, c. 27.

king permitted him to depart, and, the next day being Sunday, adjourned the council till Monday, that no precipitation or hardſhip might be juſtly complained of, in the proceedings againſt him. When he came home, he found himſelf entirely forſaken by the great train of knights and gentlemen which had attended him to the parliament: whereupon he ordered his ſervants to pick up all the beggars about the hedges and villages in the neighbourhood of Northampton, and invite them to his table; affecting to imitate the parabolical feaſt of the goſpel. His command was obeyed, and he dined in that company, ſaying, *that with ſuch an army he ſhould more eaſily obtain the victory, than with thoſe who had ſhamefully fled from him in the hour of danger.* Yet his mind was ſo agitated, that the diſturbance of it brought upon him a violent fit of the colick, to which diſtemper he was ſubject. It ſeized him on Sunday night, and diſabled him from attending the council the next day. All the aſſembly believed that his illneſs was a feigned one; but, to know the truth, they deputed ſome of the greater nobility, to viſit and cite him to the court. He pleaded his ſickneſs, which they evidently ſaw to be real, and aſſured them that he would not fail, with the aſſiſtance of God, to appear before them the next day, though he ſhould be obliged to be carried in a litter. Early in the morning he was viſited by many of the biſhops, who endeavoured to perſuade him, that, for the peace of the church, and his own ſafety, he ſhould ſubmit himſelf entirely to the king's pleaſure; becauſe, if he did not, he would be charged in the court of parliament with perjury and treaſon, as having failed in the allegiance he owed to the king, by refuſing to obey the royal cuſtoms, to the obſervation of which he had particularly bound himſelf, with a new oath, ſo lately. He replied, that he confeſſed himſelf inexcuſable before God, for having taken an oath againſt God: but that, as it is better to repent than periſh, he did not admit a law repugnant to the divine law. David, he told them, had ſworn raſhly, but repented:

A. D. 1164.

Ibidem, c. 28.

Ibidem. c. 29.

Gerv. Chron. ſub ann. 1164.

A. D. 1164. pented: Herod kept his oath, and periſhed. Wherefore he injoined them to reject what he rejected, and annul thoſe obligations which would deſtroy the holy church. "It is "(added he) a deteſtable proceeding, that you have not only "forſaken me in this diſpute, but now for two days have ſat "in judgement with the barons upon your ſpiritual father. "And from what you ſay I conjecture that you are ready to "judge me, not only in a civil, but alſo in a criminal cauſe. "But I forbid you all, for the future, in virtue of the obedi- "ence you owe me, and at the peril of your order, to be pre- "ſent at any further proceedings againſt me: which the bet- "ter to prevent, I appeal to the refuge of all who are op- "preſſed, our mother, the church of Rome. And if, as it is "rumoured, the ſecular power ſhall preſume to lay hands "upon me, I command you, in behalf of your father and "metropolitan, to thunder out the proper eccleſiaſtical cen- "ſures. But of this be aſſured, that let the world rage againſt "me ever ſo furiouſly, even though my body be burnt, I "will not ſhamefully yield, nor wickedly forſake the flock "committed to my care."

V. Hiſt. Quadripartitâ, c. 29.

V. Hiſtoria Quadripartit. Gervaſe. Hoveden.

The biſhops having left him after this declaration, he went and ſaid maſs at an altar dedicated to St. Stephen, ordering it to begin, as on the feſtival of that martyr, with theſe words of the ſcripture, *Princes ſat and ſpoke againſt me:* he alſo cauſed this verſe of the Second Pſalm, *The rulers take counſel together againſt the Lord, and againſt his anointed*, to be ſung as part of the ſervice. Having thus prepared himſelf (as one of his advocates tells us) for martyrdom; or (as it was, doubtleſs, underſtood by the king and the peers) having thus libelled them and their proceedings, he ſecretly carried with him a conſecrated hoſt, and went to the parliament. When he came to the door, he took the croſs out of the hands of the perſon who bore it before him, and holding it up entered alone into the chamber, where the king and the barons aſſembled expected his coming. The biſhops roſe up to meet him,

V. Heribertus in Quadrilog. Edw. Grime MSS Greſham College. Gervaſe. Hoveden. Stephanid. in vitâ S. T.

him, and were greatly aſtoniſhed, when they ſaw him appear in ſo extraordinary manner before his ſovereign and his judges. The biſhop of Hereford offered to carry the croſs, as his chaplain, but he refuſed to deliver it, ſaying, it was proper he ſhould bear it himſelf, as he wanted it to protect him; and that, when this enſign appeared, it would be evident under what prince he fought. The biſhops of London and Hereford ſtrove in vain to wreſt it out of his hands: which the archbiſhop of York obſerving ſeverely reproved him, for preſuming to come into the court of his ſovereign thus armed with his croſs, as if to bid him defiance: and he was told, both by that prelate and the biſhop of London, *that he would find the king's weapon of greater force than his*: to which he replied, *that the king's weapon indeed could kill the body, but his could deſtroy the ſoul and ſend it to hell.* He then notified to them all his appeal to the pope, and prohibited them from aſſiſting in any other judgement concerning him or his cauſe. A. D. 1164.

The king, before informed of the manner of his coming, had inſtantly retired into an inner room of the caſtle, from whence he ſent out a herald to command all the other ſpiritual and temporal lords, who were aſſembled in the hall, to attend upon him there. When this order was obeyed, he complained to them that Becket, by entering his court in that unheard of manner, had fixed a ſtain upon him and all the peerage of England, as if ſome treachery had been intended againſt him, which made it neceſſary for him to have recourſe to the ſacred protection of the croſs. The anſwer made to him was, that the archbiſhop had been always a vain aud arrogant man: That this action was an affront, not only to his ſovereign, but to all the peers, and the whole kingdom aſſembled in parliament: That the king had drawn it on himſelf, by raiſing one of ſuch a character above all his other ſubjects, and placing him next to the throne: That for his ingratitude and perfidy to ſo good a maſter, and for the manifeſt violation of his oath of fealty, in this offence againſt the honor and reputation of his

V. Hiſt. Quadrip. c. 30, 31.

V. Hiſt. Quadrip. c. 31.

A. D. 1164. his ſovereign, he ought to be impeached of perjury and high treaſon. But, although this appeared to be the unanimous ſenſe of the whole aſſembly, who confirmed the advice with loud clamours, yet the king was ſo moderate, that he would not allow them to proceed againſt the archbiſhop on this account, but only required that juſtice ſhould be done him with regard to the debt which he had claimed from that prelate, and ſent ſome lords to demand of him, whether he would give pledges to ſtand to the judgement of the court on that article, or was prepared to do the king right according to his promiſe. His anſwer amounted to a peremptory refuſal, which, together with the declaration he had made to the biſhops of his appeal to the pope, appeared to the king and to all the temporal barons ſuch an act of deliberate and contumacious diſobedience, that it was reſolved to attaint him, as guilty of high treaſon. But the biſhops found themſelves under very great difficulties how to act on this occaſion. The conſtitutions of Clarendon, which they had ſworn to obſerve, injoined them to be preſent with the other peers at the trials of the king's court, till the judgement proceeded to loſs of members or death. They knew that no ſentence of that nature would be paſt againſt the archbiſhop; and the king called upon them, with the ſtrong authority of a law ſo lately confirmed, to remember the oath they had taken, and perform their duty to him, by concurring in this judgement with the temporal barons. On the other hand they were afraid of the ſpiritual cenſures, which they might draw upon themſelves, by diſregarding the prohibition, and the appeal to the pope, notified to them by Becket. After ſome conſultation, they agreed to implore the permiſſion of the king to appeal to the ſee of Rome againſt that prelate, on account of his perjury; ſolemnly promiſing, that they would uſe their utmoſt endeavours to prevail on Alexander to depoſe him from his archbiſhoprick, if the king would excuſe them from joining with the temporal lords in the ſentence, they

V. Hiſt. Quadrip. c. 31.

V. Epiſt. 126. e Cod. Cotton. in Append.

V. Hiſt. Quadrip. c. 32.

were going to paſs againſt him. To this Henry gave way, with more complaiſance than diſcretion. Whereupon they went to Becket; and the biſhop of Chicheſter, who was the beſt ſpeaker among them, accoſted him with theſe words, "Some time you was our archbiſhop, and we were bound to "obey you: but becauſe you have ſworn fealty to our ſove- "reign lord, the king; that is, to preſerve to the utmoſt of "your power his life, limbs, and royal dignity, and to keep his "laws, which he requires to be maintained; and nevertheleſs "do now endeavour to deſtroy them, particularly thoſe which "in a ſpecial manner concern his dignity and honor; we "therefore declare you guilty of perjury, and owe, for the "future, no obedience to a perjured archbiſhop. Wherefore, "putting ourſelves and all that belongs to us under the pro- "tection of the pope, we cite you to his preſence, there to "anſwer to theſe accuſations." He then named a day for the archbiſhop's appearance before the pontif. *I hear what you ſay*, replied Becket, and vouchſafed no other anſwer. Whereupon the biſhops, withdrawing themſelves from him, to the oppoſite ſide of the hall, ſat apart, in deep ſilence, for a conſiderable time. The king, in the mean while, had demanded juſtice againſt him from the temporal peers, and had called in certain ſheriffs, and ſome *barons of inferior dignity*, to aſſiſt in the judgement. They unanimouſly found him guilty of perjury and treaſon. After which the earls and barons, with a great crowd of other perſons attending the parliament, went to the archbiſhop; and the earl of Leiceſter, as grand juſticiary, ſaid to him theſe words, "The king "commands you to come before him, and give an account "of the money you are charged with, according to the pro- "miſe you made to him yeſterday. Otherwiſe hear your "ſentence." "My ſentence!" interrupted Becket, riſing up from his ſeat, "nay, ſon earl, hear you firſt. You are not "ignorant how ſerviceable and how faithful, according to "the ſtate of this world, I have been to the king. In reſpect "whereof

A. D. 1164.

V. Stephan. in vitâ S. T.

V. Hiſt. Quadrip. c. 33.

A.D. 1164. "whereof it has pleaſed him to promote me to the arch-
"biſhoprick of Canterbury, God knows, againſt my own
"will. For I was not unconſcious of my weakneſs; and
"rather for the love of him than of God I acquieſced there-
"in: which is this day ſufficiently apparent; ſince God with-
"draws both himſelf and the king from me. But in the time
"of my promotion, when the election was made, prince
"Henry, the king's ſon, to whom that charge was commit-
"ted, being preſent, it was demanded in what manner they
"would give me to the church of Canterbury? And the an-
"ſwer was, *free and diſcharged from all the bonds of the court.*
"Being therefore *free* and *diſcharged*, I am not bound to
"anſwer, nor will I, concerning thoſe things, from which
"I am ſo diſengaged." Hereupon the earl ſaid, "This is
"very different from what the biſhop of London reported to
"the king." To which the archbiſhop replied, "Attend,
"my ſon, to what I ſay. By how much the ſoul is of more
"worth than the body, ſo much are you bound to obey God
"*and me* rather than an earthly king: nor does law or rea-
"ſon allow, that children ſhould judge or condemn their
"father: wherefore I diſclaim the judgement of the king, of
"you, and of all the other peers of the realm, *being only to be*
"*judged, under God, by our lord the pope*: to whom, before
"you all, I here appeal, committing the church of Canter-
"bury, my order, and dignity, with all thereunto appertain-
"ing, to God's protection and to his. In like manner do I
"cite you, my brethren and fellow-biſhops, becauſe you obey
"man rather than God, to the audience and judgement of the
"ſovereign pontif; and ſo relying on the authority of the
"catholick church, and the apoſtolical ſee, I depart hence."
Gerv. Chron. Hiſtoria Quadrip. c. 34. He was then going out; upon which a general cry was raiſed in the hall; and as he paſſed along, many called him a perjured traitor. Stung with theſe words he turned his head, and looking back upon them with a ſtern countenance, ſaid, as loudly as he could, that, if his holy orders did not forbid it,

he

he would by arms defend himſelf againſt the charge of treaſon and perjury: nor could he refrain from revenging himſelf upon two of the moſt clamorous, by very foul language; upbraiding one of them, who was an officer belonging to the houſehold, with one of his relations having been hanged; and calling earl Hamelin, the king's natural brother, baſtard and catamite. When he came to the outward gate he found it locked; but the porter, at that inſtant, happening to be out of the way, one of his attendants perceived the keys hung on the wall near the gate, and ſeiſing upon them let him out. As ſoon as he appeared in the ſtreet, a great number of beggars, together with the mob of the town, and ſome of the inferior eccleſiaſticks, crowded about him, congratulating him upon his delivery, and attending him, with joyful acclamations, to the convent where he lodged. This he affected to call *a glorious proceſſion*, and invited them all to partake of his repaſt. Whereupon the whole monaſtery and the courts belonging to it were filled with this rabble, whom the archbiſhop very courteouſly entertained as his gueſts. As ſoon as Henry was informed of his having withdrawn himſelf ſo abruptly from the judgement of his peers, and with ſuch a provoking inſolence of words and behaviour, he apprehended that the barons might be incited by the exceſs of their indignation againſt him to ſome act of illegal violence; and therefore moſt prudently ordered proclamation to be made, that he forbad all perſons, on pain of death, to do the archbiſhop, or his people, any harm. Preſently afterwards he received a meſſage from that prelate, by the biſhops of Hereford, Worceſter, and Rocheſter, requeſting his licence to go out of the kingdom. On what pretence, or ſuggeſtion, this petition was ſupported we are not told: but probably it was, that he might proſecute the appeal he had made to the pope. The king anſwered, that he would adviſe with his council upon it, the next day. We are told by one, who was then attending upon Becket, that before he ſent this meſſage, upon hearing the words of

A. D. 1164.

V. Hiſt. Quadrip. c. 34.

V. Epiſt. 126. eCod. Cotton. in Append. Gerv. Chron.

V. Hiſt. Quadrip. c. 35.

V. Heribert. in Quadrilog.

A. D. 1164. the goſpel, "*When they perſecute you in one city, fly to another*," read to him at dinner, he evidently ſhewed by his countenance, that he reſolved in his mind to obey that precept. But, if we may believe John of Saliſbury, he conceived this deſign from an alarm which he received from two of the nobility, who came to him in the evening, and, with many tears and oaths, revealed to him a conſpiracy againſt his life, which ſome perſons of great quality, but of infamous characters, had formed and bound themſelves, by mutual oaths, to carry into effect. Whether any notice of ſuch a plot had been given to the king, and was the occaſion of his ordering the above-mentioned proclamation, is uncertain; and indeed it looks like a ſtory invented afterwards to juſtify the archbiſhop's flight: but, when that proclamation had been made, there was no reaſon to apprehend any danger of this kind. It is therefore moſt probable, that if ſuch an intelligence was really given to Becket, he regarded it no further than to make it an excuſe for leaving the kingdom, which ſtronger reaſons might incline him to, and which he undoubtedly had been long deſirous to execute. He now was ſenſible that he had no time to loſe; and determined to attempt it that very night. The better to conceal his intention, or to encourage the notion of his apprehending ſome outrage, he ordered a bed to be made for him in the church, between two altars, as if he meant to take ſanctuary there; and riſing at midnight went out, by a back-door of the convent, with only two attendants, a monk of the Ciſtercian order, and another, named Herbert de Boſeham, who has written an account of his life, from which I ſhall take the particulars of his flight. This author indeed does not tell us, nor do I find in any other, how they got out of Northampton, which was then a walled town: but from his relation it appears, that inſtead of directing their courſe towards any of the ports, from whence the archbiſhop might readily paſs over to the coaſt of France or Flanders, they rode northwards to Lincoln, in order to elude any purſuit, that might be made when his eſcape

V. Johannem in Quadrilog.

V. Alanum in Quadrilogo.

V. Heribertum in Quadrilog.

Ibidem, l. ii. c. 2.

out of Northampton ſhould be known. From thence he went by water to a hermitage in the fens, near forty miles from that city, where, being ſecured from diſcovery by the ſolitude of the place, he reſted three days, and then turned to the ſouth-eaſt, travelling on foot, and by night, in the habit of a monk, but repoſing all day in different monaſteries, till he came to Eſtrey in Kent, a manor belonging to the priory of Canterbury, and not far from that city. There he remained eight days, unknown to all but one prieſt, who kept him concealed in his chamber, while Herbert de Boſeham and two other eccleſiaſticks of his train were employed at Sandwich to procure a ſmall fiſherboat for him, which he embarked in, with them, a little before the dawn of the fifteenth day from the laſt of his attendance at Northampton, being the tenth of November, in the year eleven hundred and ſixty four. About the cloſe of the evening he landed, not far from Gravelines: but, before I proceed to tell the conſequences of his eſcape out of England, I ſhall make a few obſervations on the tranſactions relating to him in the parliament of Northampton. A. D. 1164.

It cannot, I think, be denied, that, whatever matters he was charged with, in that aſſembly, the offence which drew upon him the diſpleaſure of the king, and without which he probably would have been accuſed of no other, was his renewed oppoſition to the conſtitutions of Clarendon. Upon this a moſt ſevere inquiſition was made into the reſt of his conduct: complaints againſt him were ſought for; and it may ſeem that in the courſe of theſe proſecutions national juſtice was ſomewhat ſharpened by royal reſentment. Yet that every thing was done according to law we have great reaſon to preſume from the manner of proceeding. For he was not condemned by delegates appointed by the king, and particularly under his influence, but in the high court of parliament, by all the barons and biſhops of England. The biſhops at leaſt muſt have been careful not to concur in any

A. D. 1164. judgement againſt the primate, which was not agreeable to the methods and forms of law then eſtabliſhed, and to the nature and quality of the offence; becauſe, beſides their own conſciences and the reproach of the world, they had the reſentment of Rome to apprehend in this buſineſs; it being certain that Alexander would ſupport the archbiſhop, as far as the caſe would admit. And it is very evident, that all poſſible care was taken, in the proceedings againſt that prelate, to avoid ſuch matters as might engage the ſee of Rome in the quarrel. For this reaſon it was, that the king did not accuſe him of violating the laws he had ſworn to maintain, in points relating to the clergy; but charged him as a civil officer, indebted to him in great ſums, during the time of his miniſtry, and whoſe accounts had not been duly or regularly paſt. He did not attempt to prove (and a contemporary hiſtorian ſays he *could not* prove) that the king had, by any order or act of his own, either previouſly authoriſed, or afterwards ratified, the pretended diſcharge, which he ſaid had been given to him, upon his promotion to the ſee of Canterbury, by the young prince then an infant, and by the juſticiary, in a very extraordinary manner, and without any examination of his accounts, on which a diſcharge could have been properly grounded. Whether the words ſpoken by them on that occaſion, *that they gave him to the church of Canterbury free and diſcharged from all the bonds of the court*, could be ſuppoſed to extend to ſuch an acquittance; or how far the king's ſubſequent or preceding indulgence might be admitted, in equity, to bar, or at leaſt to mitigate, the preſent demand, were points which the parliament might have favourably conſidered, if, with due obedience, he had ſubmitted the caſe to their judgement. But for one ſtanding ſo charged to deny the authority of the higheſt court in the kingdom, and, in a cauſe purely civil, appeal from thence to an eccleſiaſtical and foreign court, when ſuch an appeal, even in ſpiritual cauſes, had been ſo lately forbidden by one of the ſtatutes enacted at Clarendon,

Diceto inter Decem Scriptores, p. 537.

was

was the higheſt act of contumacy that can be conceived: it was not only an infringement of that particular law, but a rebellion againſt all the laws of the land and the whole legiſlature! His only apology was what a writer of his life, who lived in thoſe times, ſays, he declared to the biſhops, in anſwer to their objection of the ſolemn promiſe they had made to obſerve all the rights and prerogatives of the crown; namely, *that a Chriſtian king had no right or prerogative, by the exerciſe whereof the liberties of the church, which he had ſworn to maintain, could receive any prejudice.* But the queſtion was, how far the *liberties of the church* extended, and the legiſlature had already decided that queſtion, by declaring thoſe cuſtoms, againſt which he objected, to be obligatory on all the ſubjects of England, and thoſe pretended liberties, which he preſumed to aſſert in behalf of the clergy, to be illegal encroachments and innovations. The parliament therefore could not poſſibly recede from this judgement, nor allow a ſubject to deny the validity of the laws which the king and they had eſtabliſhed, diſclaim their authority, and declare himſelf only reſponſible for his conduct to God and the pope. Odo biſhop of Bayeux, and Flambard biſhop of Durham, had been impriſoned for offences of leſs danger to the ſtate. Nevertheleſs it is evident, that Henry had no intention, if Becket had ſtaid in the kingdom, to puniſh him with ſuch rigour as his behaviour deſerved. He only deſired to deprive him of his archbiſhoprick, and reduce him to a condition, in which his turbulent ſpirit would not be ſo troubleſome to the government and peace of the kingdom. It would perhaps have been a wiſer concluſion of the proceedings againſt him at Northampton, if, immediately after his contumacious departure from the court, the king had ordered him to be arreſted and forced from the monaſtery into ſome place of ſafe cuſtody. But, unqueſtionably, the worſt fault committed by that prince, in the management of this buſineſs, was allowing the

A. D. 1164.

V. Stephanid. in vitâ S. T. Cantuar.

A. D. 1164. the biſhops to appeal to the pope, inſtead of joining in the ſentence which the other barons pronounced againſt the primate. Indeed that appeal was made in conſequence of the archbiſhop's; but it was equally offenſive to the dignity of the kingdom: it admitted the judicature of the pope in a matter, of which he had no proper cogniſance, and gave him an authority to reviſe and rejudge what ought to have been finally determined in England, by the law of the land and the judgement of the barons. There was much evil in this conceſſion; but Henry was unwarily induced to make it, by his very earneſt deſire of keeping the biſhops on his ſide in this conteſt, and by a belief that the pope would be perſuaded by them to conſider the diſpute, as a pecuniary cauſe between him and his late chancellor, in which the church, or the hierarchy, had no concern. And if, through their mediation, that pontif could be prevailed upon to depoſe the archbiſhop, he thought it would as effectually anſwer his purpoſe as more violent methods, and leſs diſturb the tranquillity of his kingdom. But he was greatly deceived in theſe opinions Becket acted more artfully, and with a truer diſcernment of the conſequences that would follow from his conduct. By his plea of exemption from all ſecular juriſdiction, and by citing the biſhops to anſwer at the tribunal of the pope, for having concurred with the laity in the former judgements againſt him, he intereſted the authority of Rome in his quarrel; and inſtead of a defendant in a weak or doubtful cauſe made himſelf plaintiff in behalf of the church, and the champion of that court to which he appealed. Thus the policy of the king was baffled, and his hope diſappointed: the conteſt not being, in Alexander's opinion, whether Becket ought to pay the debt he was charged with, but what were the limits of the civil and eccleſiaſtical powers.

V. Hiſt. Quadripart. l. ii. c. 1. Gervaſe, ſub ann. 1165.

Upon the firſt notice that the archbiſhop had ſecretly fled from Northampton, orders were given by Henry to watch the ſea ports, particularly Dover; but, leſt all theſe cautions to prevent

prevent his eſcaping out of England ſhould prove ineffectual, A. D. 1164.
that prince was adviſed to entreat the king of France not to receive him in his territories; and likewiſe to employ all his power to obtain of the pope, that the appeal made to his Holineſs might be decided in England, by legates ſent thither, and the fugitive primate remanded back to his ſee, till judgement was paſt. This ſeemed very neceſſary; for the king had much to fear from that prelate's being ſuffered to take refuge in France. The ſecrets of the ſtate were known to him; and what uſe he might be inclined to make of that knowledge, how many enemies he might raiſe againſt his late maſter, how many friends he might cool, what inſtructions he might give to thoſe who envied or dreaded the greatneſs of that monarch, in prejudice to him and his government, was matter of very ſerious and very uneaſy conſideration. At the ſame time, not to put any difficulties in the way of the negociation with Alexander, it was thought expedient that the king ſhould abſtain from the exerciſe of his royal prerogative, which gave him a right to ſeize the archbiſhop's temporalities, in conſequence of his flight; and that all who belonged to that prelate ſhould be left unmoleſted by the government, till it had been ſeen what effect ſuch gentle meaſures would have, in bringing the affair to an amicable concluſion between Henry and the pope. To theſe counſels the king aſſented; and a moſt ſplendid embaſſy, conſiſting of many of the chief nobility of his kingdom, both eccleſiaſticks and laymen, was accordingly ſent, without delay, to the king of France and to Alexander, of whom the latter had made Sens, a town in Champagne, the place of his reſidence. But the embaſſadors were commanded, on account of the uncertainty where Becket might be, to go firſt to the earl of Flanders, and deliver to him a letter, of the like purport with that they carried to Louis, complaining of the archbiſhop, as having traiterouſly fled from juſtice, and deſiring the earl not to give him protection in any part of his country. It ſo happened, that they paſſed from

Dover

A. D. 1164. Dover to Calais, at the very time when Becket ſailed from Sandwich to Flanders. As he had not been heard of in England after a ſearch of ſome days, it was ſuppoſed by the king's officers that he had eſcaped to France or Flanders, while he was ſtill in the kingdom; and this opinion occaſioned their not being ſo vigilant in guarding the ports, as when the orders to that purpoſe were firſt received. But his danger did not end upon his croſſing the ſea. It has been ſhewn in the former parts of this hiſtory, that the earl of Flanders, beſides his near relation to Henry, was under the greateſt obligations to him for the care he had taken of his perſon and territories, while his father was in Aſia. It has likewiſe been told, that his brother, the earl of Boulogne, had been aſſiſted by that prince in his marriage with Matilda, King Stephen's daughter, in virtue of which he had gained that opulent province. Theſe were ſtrong reaſons to render them both unfavourable to Becket. Nevertheleſs it appears by a letter from John of Saliſbury, whom he had ſent abroad, as his agent, when firſt he took the reſolution of ſeeking an aſylum on the continent, that the earl of Flanders had given him an aſſurance of protection, and had even offered to procure a veſſel and ſeamen for his paſſage. But that was before the proceedings againſt him at Northampton, and when his going out of England could not have been branded as flying from juſtice. In his preſent circumſtanees to protect him was inconſiſtent with any ſhew of friendſhip for his ſovereign. Senſible of this he deſired to paſs undiſcovered through the territories of Flanders, and perhaps he had privately agreed with the earl, that, not to draw upon that prince a quarrel with Henry, he ſhould come in diſguiſe, and, ſeemingly, without his knowledge. Certain it is that he acted with no leſs caution than if he had been in an enemy's country: for, being afraid to enter the port of Gravelines, where he might have been ſubject to a troubleſome examination, he was ſet on ſhore a league from thence, and forced to travel on foot, through deep roads, and a great

V. Epiſt. 24. l. i.

Heribertus in Quadrilogo, l. ii. c. 3.

a great ſtorm of wind and rain, before he had recovered from the ſickneſs occaſioned by his voyage. It ſo fatigued him, that, his ſtrength being quite overcome, he laid himſelf down upon the ground, cold and wet as it was, and declared to his attendants, that he could not walk any further. They then procured him a horſe, but without a bridle or ſaddle. Supplying theſe defects, as well as he could, by a halter and ſome cloaths of the three monks who waited on him, he rode to Gravelines, and, under the name of Frier Chriſtian, ſtopped at an inn in that town. We are told by one of his companions, that, while he was at ſupper, the hoſt, being a man of more than vulgar ſagacity, ſuſpected who he was, from ſome remarks on his countenance, perſon, and behaviour, and from the report, which had already ſpread itſelf all over Flanders, of his proſecution and flight. Theſe ſuſpicions he immediately imparted to his wife, who confirming them from her own obſervations and opinion, they began to treat him with a reſpect that made him very uneaſy. To take it off, and perſuade them of his being what he appeared, he invited the hoſt to ſit at table with him; but the good man, ſeating himſelf, with great humility, at his feet, ſaid to him, "My lord, I return thanks to "God Almighty, that I have been thought worthy of re-"ceiving you under my roof." "Why, who am I?" replied Becket: "am not I a poor monk?" "No," ſaid the hoſt, "you may call yourſelf what you pleaſe; but I know you to "be a great man, and archbiſhop of Canterbury." Though it was dangerous to truſt a perſon unknown, Becket thought it more dangerous to perſiſt in a reſerve that probably would be uſeleſs, and therefore declared himſelf to him, with an air of frankneſs and confidence, proper to confirm his good will. This ſecured his fidelity: the archbiſhop paſſed the night without a further diſcovery, and, for fear that the next day ſhould produce any alteration, he took the man along with him, to be his guide to St. Omers. When they arrived there,

A. D. 1164.

Alanus in Quadrilogo, l. ii. c. 3.

Heribertus in Quadrilogo, l. ii. c. 4.

A. D. 1164. which was late in the evening, he would not enter the town, but went to a monaſtery of the Ciſtercian order ſituated near to it, where he learned that the embaſſadors ſent by King Henry had come that day to St. Omers, and were lodged in the caſtle. Upon this intelligence he removed in the night to a hermitage, which had belonged to St. Bertin; a very ſolitary place, ſurrounded with waters. Here he was concealed, three days and nights, with only one of his attendants, having ordered the two others to watch the motions of the Engliſh embaſſadors, who left St. Omers the next morning after his departure from the convent. On the fourth day, being informed that he might come without danger, he went to the abbey of St. Bertin, where he was received by the monks with great reſpect and affection.

V. Hiſt. Quadripart. l. ii. c. 7.

The Engliſh miniſters, having made a ſhort abode with the earl of Flanders, haſtened to France, where they ſuppoſed the archbiſhop had found means to procure a ſecret aſylum; as they had no tidings of him. The eſteem which Louis had conceived for the character of that prelate, when he knew him as chancellor and favourite to King Henry, had ſince been greatly encreaſed by the general fame of his piety, and by the account of his extraordinary zeal for the church, which he had received from a meſſenger, whom the archbiſhop, not long after the council of Clarendon, had ſent over on purpoſe to make a favourable repreſentation of his cauſe and behaviour. This agent was aſſured, at his departure from the king, that if the primate ſhould ſeek an aſylum in his territories, he would receive him, not as a biſhop, nor an archbiſhop, but *as a partner in his kingdom*. The ſubſequent proceedings at Northampton were alſo reported to Louis with much kindneſs for Becket, by many of the biſhops of France, who, being leagued in the ſame eccleſiaſtical faction againſt the civil power, ſpoke of him as a martyr. He had moreover ſome advocates among the laity there. The earl of Champagne, and his brothers, who, from the

V. Epiſt. 23. l. i.

the enmity of the houſe of Blois againſt that of Plantagenet, wiſhed ill to the king of England, ſuggeſted to Louis, that by fomenting the diſcord between the church and the crown, which had fortunately ariſen in that kingdom, he might effectually ſecure and ſtrengthen his own. It muſt be confeſſed, that in this counſel there was a colour of reaſon. Yet a wiſer prince would have ſeen, that, upon ſuch an occaſion, any particular jealouſies ought to have been ſacrifiſed to the common cauſe of both crowns, that is, to the maintaining of the royal authority againſt eccleſiaſtical and papal encroachments. All the kings in the Chriſtian world were no leſs intereſted in this diſpute, on the ſide of Henry, than the pope was, on the ſide of the archbiſhop of Canterbury; and as Alexander diſregarded all the great obligations which he had to that monarch, when brought into compariſon with the intereſt of his ſee; ſo ſhould Louis have ſet aſide the leſſer reaſons of ſtate, to aſſiſt his brother of England in ſupporting the eſſential and fundamental rights of ſovereignty, thus attacked by the prieſthood. But his policy not reaching ſo far, and his bigottry, which more than any other principle directed his conduct, inclining him eagerly to eſpouſe the cauſe of Becket, he received very coldly the Engliſh embaſſadors, when they arrived at his court; and beginning to read the letter, they had brought to him from Henry, he ſtopped at theſe words, "Thomas, *late archbiſhop of Canterbury*, has fled "out of my realm like a traitor;" and aſked them whether the perſon there mentioned was no longer archbiſhop of Canterbury, and who had depoſed him? They appearing embarraſſed at the queſtion, he ſaid, "I am a king as well "as the king of England; but I would not have deprived "the loweſt clerk in my kingdom, nor do I think I have "power to do it. I know that this Thomas ſerved your "ſovereign long and faithfully in the office of chancellor; and "his recompence is now, that his maſter, after having forced

A. D. 1164.

Gervaſe. Quadrilogus.

A. D. 1164. "him to fly out of England, would alſo drive him out of "France." The embaſſadors hereupon, ſeeing no hopes of ſucceeding in this part of their buſineſs, entreated him at leaſt to admoniſh the pope not to give any credit to the ſuggeſtions of Becket againſt the king of England; which he likewiſe refuſing, they left him, and went to Alexander at Sens. The day after their departure, the two eccleſiaſticks, whom Becket had diſpatched from St. Omers, arrived at Compiegne, where Louis then kept his court, and implored him to grant that prelate an aſylum in his kingdom. He embraced them, and repeated to them the anſwer he had given to Henry's miniſters, bidding them aſſure the primate in his name, that he ſhould be received with great kindneſs. Nor was he ſatisfied with this promiſe; but diſpatched his own almoner on a meſſage to the pope, beſeeching his Holineſs, that, *as he loved the honor of the church, and the weal of the French kingdom, he ſhould maintain Thomas archbiſhop of Canterbury, and his cauſe, in all points, againſt the tyrant of England.* Becket was confirmed, by theſe encouragements, in his deſire and intention of going into France. But while he was yet in the abbey of St. Bertin, Richard de Lucy, who had been ſent not long before, on ſome ſecret commiſſion, to the earl of Flanders, returned to England by St. Omers, and hearing that Becket was there, went and made him a viſit. How it happened that the archbiſhop, who had fled from the ſight of the Engliſh embaſſadors, when he firſt came to St. Omers, took now ſo little care to avoid the notice and preſence of the Great-juſticiary of England, who of all his council was the moſt devoted to Henry, we are not told. But it is ſaid, that in their conference Richard tried to perſuade him to go back to England, offering himſelf to conduct him, and be a mediator and interceſſor with the king for his pardon, which he thought might be obtained by ſuch an act of ſubmiſſion. The archbiſhop anſwered, *that the temper of the king was implacable*

implacable when he was thoroughly angered. The juſticiary, finding him abſolutely determined to perſiſt in the part he had taken, expreſſed a proper indignation at his obſtinacy, and left him. It was indeed moſt improbable that this viſit ſhould conclude in any other manner. A. D. 1164.

Preſently after the departure of Richard de Lucy, Becket went from St. Omers; and, whether he really apprehended ſome danger to his perſon, or only did it to conceal the ſecret intelligence he had with the earl of Flanders, he choſe to travel by night, and under the conduct of ſome ſoldiers procured from his friends, the abbot of St. Bertin, and the biſhop of Tournay, till he had got out of the Flemiſh territories into the French. On his arrival in the latter he was joined by ſome of his clergy, who, from attachment to his perſon, or zeal for his cauſe, deſired to follow his fortunes. Heribertus in Hiſt. Quadrip. c. 10. l. ii.

During the ſpring of this year, eleven hundred and ſixty four, the Antipope Victor had died at Lucca; but another, who took the name of Paſchal the Third, being elected ſoon afterwards, by the party of that pontiff, the ſchiſm remained unſubdued; and ſeemed, in the whole extent of the imperial dominions, to draw a new ſpirit, and an augmentation of vigour, from it's new head. Becket therefore had great reaſon to dread the impreſſions that might be made upon Alexander by Henry's embaſſadors, in circumſtances which rendered the friendſhip of their maſter ſo neceſſary to him; and it appears from ſome letters, that the neareſt friends of that prelate were very apprehenſive of his being ſacrifiſed by the pope to the neceſſity of the times. Henry indeed, on the firſt intelligence of Victor's deceaſe, had renewed his aſſurances of adhering to Alexander; which, one would think, in good policy he ſhould not have done; as he might have found an advantage, in his diſputes with the church, from leaving that pontiff more doubtful, with regard to his reſolutions, at ſuch a criſis. But, by a letter ſent to Becket ſoon after that event, this haſty proceeding may be accounted for, V. Franciſci Pagi breviar. pontif. Rom. ſub ann. 1164. & Baronium ſub eodem anno. V. Epiſt. 7. 23, 24. l. i. V. Epiſt. 7. l. i.

A. D. 1164. for, and in ſome meaſure juſtified. We are there told, that when the news of the antipope's death came into France, it was imagined by ſome there, that the emperor himſelf would put an end to the ſchiſm, by ſubmitting to Alexander; and that this conjecture was much ſtrengthened by other accounts, received about the ſame time, of a diſpoſition in ſome of the cities of Italy to revolt from that prince, who was dangerouſly ill of a fever. Henry therefore might fear, that, if he did not make haſte to declare for Alexander, inſtead of terrifying that pontiff, he ſhould hurt his own intereſts. But the election of Paſchal, the recovery of the emperor, and ſome advantages gained by their adherents in Tuſcany, quite changed the ſcene; and Becket was informed by another letter from one of his agents at Sens, before the proceedings againſt him at Northampton, that Alexander himſelf and all his cardinals were full of uneaſineſs, on account of the long ſtay, which John Cummins, whom Henry had ſent to the emperor, made in the court of that prince; and becauſe, for ſome time, no miniſter from the king had come to Sens; which, with other concurrent circumſtances, had alarmed them ſo much, that they were by no means diſpoſed to offend any potentate, but leaſt of all the king of England. Affairs had remained in much the ſame ſituation from that time to this: ſo that Henry was now very confident in the hope ſuggeſted to him by thoſe biſhops who had moſt of his confidence, that Alexander might prefer his own perſonal intereſts to thoſe of his ſee. And if the king of France had been only neutral between him and Becket, this confidence, probably, would not have been diſappointed. But his weight turned the ſcale in favour of the primate. Before the embaſſadors from the king of England were heard, Alexander had received the meſſage from Louis, of which an account has been given, and had admitted the agents of Becket to an audience. They began by ſaying, "They were ſent to ac-
"quaint his Holineſs, *that Joſeph, his ſon, was ſtill living, but*
"*no*

V. Epiſt. 23. l. i.

A. D. 1164.

"*no longer bore rule in the land of Ægypt, having been, on the "contrary, oppreſſed, and almoſt deſtroyed, by the Ægyptians.*" After which they related to him, in the ſame ſtyle of the ſcripture, the perils his ſon had gone through, *when he fought with beaſts* at Northampton, *his perils among falſe brethren, perils in his flight, perils upon the road, perils at ſea, perils even in the port:* upon the whole they repreſented him as another St. Paul. At which, ſays one of the monks who wrote his life, the father of all fathers was ſo much moved, that he burſt into tears.

Alanus in Hiſt. Quadripartitâ, l. ii. c. 8.

The next day, a conſiſtory being called for that purpoſe, audience was given to the Engliſh embaſſadors. The perſons ſent on this important buſineſs were the archbiſhop of York, the biſhops of London, of Worceſter, of Exeter, and of Chicheſter, with three of the king's chaplains; and the earl of Arundel, with three more of the temporal barons, who were all men of great dignity in Henry's court. The biſhop of London began, and, in a Latin oration, (which, with the others here following, I give upon the report of one who was preſent) "ſet forth the neceſſity, that the a-"poſtolical ſee ſhould employ its authority to reclaim that "man to true wiſdom, who, being wiſe in his own conceit, "had diſturbed the concord of his brethren, the peace of "the church, and the piety of the king". He ſaid, that a "diſſenſion between the king and the prieſthood had lately "ariſen in England, on a point of ſmall importance, which "might have been extinguiſhed more eaſily, if moderate re-"medies had been uſed: but My Lord of Canterbury, follow-"ing his own ſingular notions, and not the advice of his bre-"thren, proceeded too eagerly, not conſidering the malice of "the times, and what miſchief his violence might produce: "ſo that he had woven a ſnare for himſelf and his brethren; "and, if their conſent had abetted him in his purpoſe, the "buſineſs would undoubtedly have had a worſe end. But,

Alanus ut ſupra.

"becauſe

A. D. 1164. "because they would not concur, or acquiesce in a conduct "so contrary to their duty, he sought to turn the blame of "his own rashness upon them, nay, upon the king, and the "whole nation, in order to blemish whose fame, he had fled "out of the kingdom, no man offering him any violence, "none even threatening him; according as it is written, *the* "*wicked flies when no man pursues.*" At these words his Holiness interrupting him, said, "Brother, forbear." The bishop answered, My Lord, I will forbear him. "I bid you forbear, "replied the pope, not out of regard to his character, but to "your own." At which reprimand being abashed he said no more. Nevertheless the bishop of Chichester, vain of his eloquence, for which he was famous, ventured to inveigh, in a rhetorical style, against the immoderate presumption of Becket, and remonstrated to the pope the danger attending it, of producing a schism in the church, and other grievous disorders. But, while he was indulging his oratory out of season, he happened to speak a word of false Latin, and repeat it once or twice; which drew upon him the laughter of the whole assembly; whereby he was so confounded, that he stopped short, and remained silent. The archbishop of York, observing how ill his brethren had succeeded, spoke more concisely, and more discreetly of Becket, saying only, "That he had "known him, by long and close observation, even from the "time of his first setting out in the world, to be a man of great "obstinacy in whatever opinion he had once entertained; and "that having too lightly engaged in this dispute (as he was "apt to be hasty in his determinations) he could by no means "be set right, unless his Holiness would apply his own hand "to the work, and let it be felt pretty roughly." The bishop of Exeter said, "There was no need of a long dis-"course: the cause could not be determined in the absence "of the archbishop of Canterbury: therefore they desired "that legates might be appointed to hear and decide it."

The

The biſhops after this continuing ſilent ſome time, the earl of Arundel deſired to be heard, and in the Engliſh language ſpoke thus, "Of what the biſhops have ſaid we illiterate laymen are entirely ignorant, but muſt, as well as we can, perform the commiſſion with which we are entruſted. Nor do we come hither to diſpute, or to throw out reproaches againſt any man, eſpecially in the preſence of ſo great a perſon, to whoſe nod and authority all the world does and ought to ſubmit. But for this we certainly come, to lay before you, holy father, and the whole church of Rome, the devotion and love which the king our maſter has always borne to you and ſtill bears. By whom is this done? by the greateſt and nobleſt of all his ſubjects, by archbiſhops, biſhops, earls, and barons. Higher than theſe he could find none in his kingdom; for, if he could have found any, he would have ſent them, to ſhew his reverence to you, holy father, and to the ſacred Roman church. You have yourſelf experienced ſufficiently, upon your firſt exaltation to the pontificate, the fidelity and devotion of our royal maſter, when he entirely ſubmitted to your authority himſelf and his realm. Nor is there in Chriſtendom any prince more pious than he, or who more deſires to maintain the peace of the church by a moderate uſe of his royal authority. Nevertheleſs My Lord Archbiſhop is alſo in his own order and degree as well inſtructed, and in things that belong to his office as diſcreet and prudent; though to ſome perſons he may ſeem too ſharp and ſevere. And were it not for the preſent unfortunate difference between the king and him, the ſtate and the church would be mutually happy in union and tranquillity, under ſo good a prince, and ſo excellent a paſtor. It is therefore our earneſt requeſt, that you would apply your gracious endeavours to compoſe this difference, and bring about a renewal of concord and affection." This ſpeech, being more ſuit-

A. D. 1164.

V. Alanum in vitâ Becket. See alſo Gervaſe.

A. D. 1164. able to the temper of the aſſembly in which it was ſpoken, was thought to deſerve a more favourable anſwer than had been vouchſafed to any of the biſhops. The pope therefore ſaid, that he well knew, and preſerved in remembrance, with what devotion the king of England had conferred many and great obligations upon him; which, when a proper opportunity offered, he deſired from his ſoul to return, in a moſt grateful manner, ſo far as might be conſiſtent with his duty to God. Upon which all the embaſſadors deſiring moſt earneſtly, that he would ſend the archbiſhop back to England, and nominate legates to judge him there, he conſulted with the cardinals what anſwer to make; many of whom were of opinion, that he ſhould grant the king's requeſt, for fear of driving him to the antipope; but others oppoſed it, and he determined not to yield to it in the manner deſired. However, that he might keep ſome meaſures with the king, he told the embaſſadors, that, as they had aſked for legates, legates they ſhould have. Whereupon the biſhop of London kiſſed his foot, and deſired to know with what powers thoſe legates would be ſent. With the proper powers, anſwered he. Yes, returned the biſhop, but we deſire they may decide this cauſe without appeal. "*That*, ſaid the pope, *is my glory*, "*which I will not give to another*. And certainly, when the "archbiſhop of Canterbury is judged, it ſhall be by ourſelves; "for no reaſon allows that we ſhould remand him back into "England, to be judged by his adverſaries, and in the midſt "of his enemies." He added, that they ſhould wait for the arrival of that prelate, who ſoon would be there, and in whoſe abſence nothing concerning him could be juſtly determined.

Hoveden, ſub ann. 1164.

The reaſon given in one of the contemporary hiſtorians, why Alexander refuſed to ſend legates into England, for the final deciſion of this controverſy, is, "that he knew King "Henry was mighty in word and deed, and that the legates "might be corrupted, as loving money more than juſtice."

Another

Another affirms, that, by the advice of a prelate, to whom the diſpoſitions of that court were well known, the embaſſadors had carried with them a large ſum of money, as a requiſite moſt eſſential to the ſucceſs of their buſineſs. If this be true, it will account for the affected moderation, with which the earl of Arundel ſpoke in his publick audience. For truſting to the ſecret influence of bribes and corruption he might think that an open accuſation of the primate, or angry invectives againſt him, would rather be likely to obſtruct than ſerve his purpoſe. Otherwiſe it is certain that he expreſſed himſelf much too tenderly concerning that prelate, and as if he had only deſired that Alexander ſhould mediate a reconciliation between Henry and him; which was very different from the errand on which he was really ſent. But, though it is probable, he meant to do his buſineſs, rather by gaining than convincing the ſacred college, this method proved as ineffectual as reaſon or argument: for the intereſts of the papacy were ſo cloſely interwoven with thoſe of Becket, and Alexander was ſo afraid to offend the king of France, who had made himſelf a party in the archbiſhop's cauſe, that nothing could induce him to comply with Henry's deſires. When the earl of Arundel found that the ſoothing arts he had uſed were of no ſervice to his maſter, he changed his tone, and talked a language more ſuitable to the dignity of the character in which he appeared, intimating that the king might, by this ill treatment, be provoked to join with the antipope: but, Alexander ſtill remaining inflexible, he and his collegues departed, without receiving or aſking the benediction of that pontif.

A. D. 1164. Heribertus in Hiſt. Quadrip. l. ii. c. 1.

Stephan. in vitâ S. Thom.

In the mean time Becket came to Soiſſons, and Louis, heated with the idea of his ſuffering for the church, made a viſit to him there. During his abode in that city, which continued ſome days, the inſinuating prelate entirely poſſeſſed himſelf of his affections; and his mind, from this time forwards, was ſo exaſperated againſt Henry, that he quite forgot the

A. D. 1164

great ſervice lately done him by that prince, in marching to his ſuccour againſt the emperor, and took every opportunity of doing him miſchief to the utmoſt of his power. Theſe impreſſions being made, and the archbiſhop having obtained a liberal maintenance for himſelf and his followers at the expence of the king, he left Soiſſons and went to Sens, where he was coolly received by the cardinals, but kindly by Alexander, who appointed the next morning to give him a publick audience, on the reaſons which had induced him to abandon his ſee, and ſeek a refuge out of England. The cardinals being accordingly aſſembled together, he was called in, and ſeated at the right hand of the pope, who commanded him to plead his cauſe before them; whereupon he roſe up, but was ordered by his Holineſs to ſit down again, and ſpeak ſitting; which greatly encouraging him, he confidently ſet forth, "how meri-
"torious to Rome, and how much againſt his own intereſt his
"conduct had been; ſince there was not a ſingle man in the
"kingdom of England who would have refuſed obedience to
"him, if he would have complied in all points with the will
"of the king; and while he ſerved on thoſe terms every thing
"proſpered with him, according to his wiſh; but when he
"changed his courſe, out of regard to his ſacred profeſſion,
"and duty to God, the king's affection for him immediately
"began to cool. Yet even now, if he would entirely ſubmit
"to that prince in all his purpoſes, he ſhould want no inter-
"ceſſion to recover his favour. But ſeeing that the church
"of Canterbury, which had been in times paſt *the weſtern ſun*,
"was now obſcured in it's brightneſs, he choſe rather to en-
"dure a thouſand deaths, than diſſemble the evils it ſuffered.
"And leſt he ſhould ſeem to have unneceſſarily, or out of vain
"glory, engaged in this diſpute, he thought it beſt to ſatisfy
"all the aſſembly there preſent by ocular demonſtration."
Then producing to them the writing, in which were contained the conſtitutions of Clarendon, he ſaid, with tears,
"See here, what laws the king of England has ordained
"againſt

Hiſt. Quadrip. c. 10, 11. l. ii.

"againſt the liberty of the church! Be judges yourſelves, "whether without the perdition of my ſoul I could poſſibly "connive at ſuch matters as theſe!" The conſtitutions were read, and ſaved him the trouble of entering into any juſtification of the other parts of his conduct. It was the opinion of the whole aſſembly, *that in the perſon of the archbiſhop of Canterbury the catholick church ſhould be ſuccoured*; and the pope proceeded, in the ſame conſiſtory, ſeverally to examine the articles contained in that writing, of which he *tolerated* ſix, *not as good, but leſs evil*; and abſolutely condemned the ten which have before been recited. Thoſe he *tolerated* were as follows. A. D. 1164.

1. Churches belonging to the fee of our lord the king cannot be given away in perpetuity, without the conſent and grant of the king.

2. Laymen ought not to be accuſed unleſs by certain and legal accuſers and witneſſes, in preſence of the biſhop, ſo as that the archdeacon may not loſe his right, nor any thing which ſhould thereby accrue to him: and if the offending perſons be ſuch as that none will or dare accuſe them, the ſheriff, being thereto required by the biſhop, ſhall ſwear twelve lawful men of the vicinage, or town, before the biſhop, to declare the truth, according to their conſcience.

3. Archbiſhops, biſhops, and all dignified clergymen who hold of the king in chief, have their poſſeſſions from the king as a barony, and anſwer thereupon to the king's juſtices and officers, and follow and perform all royal cuſtoms and rights, and, like other barons, ought to be preſent at the trials of the king's court with the barons, till the judgement proceeds to loſs of members or death.

4. If any nobleman of the realm ſhall forcibly reſiſt the archbiſhop, biſhop, or archdeacon, in doing juſtice upon him

or

A. D. 1164. or his, the king ought to bring them to juſtice; and if any ſhall forcibly reſiſt the king in his judicature, the archbiſhops, biſhops, and archdeacons, ought to bring him to juſtice, that he may make ſatisfaction to our lord the king.

5. The chattels of thoſe who are under forfeiture to the king ought not to be detained in any church, or church-yard, againſt the king's juſticiary; becauſe they belong to the king, whether they are found within churches or without.

6. The ſons of villeins ought not to be ordained without the conſent of their lords, in whoſe lands they are known to have been born.

That the pope and his conſiſtory ſhould thus ſit in judgement upon the laws and ſtatutes of England was a moſt inſolent violation of the independence, the freedom, and the dignity of the crown; and the abetting of ſuch an act was without queſtion highly criminal in a ſubject of that kingdom. But Becket knew that this crime would be there reputed a virtue, the merit of which would atone for any failing or offence in other parts of his conduct. Nevertheleſs there was one circumſtance, from whence he apprehended advantage might be taken, to induce the ſee of Rome, even by the authority of the canons, to conſent to depoſe him; I mean, the violation of the liberty of the church, by the compulſive methods uſed to obtain his election to the archbiſhoprick of Canterbury, which it would have been eaſy for his adverſaries to prove againſt him. Conſcious of this he thought it neceſſary to guard himſelf as effectually, and as ſpeedily as he could, againſt that danger. On the following day, the pope and the cardinals being in a more private room, he came to them, and accoſted them in the following words: "My fa-
"thers and lords, it is unlawful to ſpeak untruly any where,
"but more eſpecially before God, and in your preſence:
"wherefore

Alanus in Quadrilogo, c. 12. l. ii.

" wherefore with tears I confeſs, that my miſerable offence A. D. 1164.
" brought all theſe troubles upon the church of England.
" I aſcended into the fold of Chriſt, not by the true door,
" not having been called by a canonical election, but ob-
" truded into it by the terror of ſecular power. And though
" I undertook this charge unwillingly, yet was I induced to
" it, not by the will of God, but of man. What wonder
" then, if it has proſpered ſo ill with me? Yet, if, through
" fear of the menaces of the king, I had given it up at his
" deſire, (as my brethren the biſhops would fain have per-
" ſuaded me to do) I ſhould have left a pernicious example
" to the catholick church: for which reaſon I deferred it till
" I could come into your preſence. But now, acknow-
" ledging that my entrance was not canonical, and fearing
" from thence a worſe exit; perceiving alſo my ſtrength un-
" equal to the burthen; leſt I ſhould ruin the flock, whoſe
" unworthy paſtor I am made, into your hands, O father, I
" reſign the archbiſhoprick of Canterbury." Then taking off his ring, he gave it to the pope, and deſired him to provide a proper paſtor for the church which he thus left vacant. Nothing could be more artful than this method of proceeding! By depoſing himſelf in this manner he corrected all the faults, that could be alledged by his enemies to make void his election, and was very ſure that the pope, into whoſe hands he ſo humbly reſigned the archbiſhoprick, would reſtore it to him again, and confirm him therein; after which his poſſeſſion of it would not only be free from all the former objections, but muſt be defended by Alexander, for the ſake of ſupporting his own immediate act, and the authority of his ſee. Accordingly, when he and his followers were withdrawn, and the matter was fully conſidered, only ſome few of the cardinals, whom Becket's hiſtorians call *the Phariſees*, gave their opinion for accepting his reſignation, and providing for, or rewarding him, in ſome other manner; as a means happily offered of ſatisfying the king: but the far greater number,

V. Hiſt. Quadripartitam.

A. D. 1164. number, and Alexander himſelf, expreſſed their apprehenſions, "that if he, who, in defence of the liberty of the "church, had riſqued, not only his wealth and honours, but "life itſelf, ſhould be ſuffered to fall a ſacrifice to the king, "all other biſhops would fall with him; nor, after ſuch an "example, would any one ever have courage to reſiſt the will "of his prince: and thus the ſtate of the catholick church "would be ſhaken, and the pope's authority periſh." The concluſion was, "that Becket ſhould be reſtored to his ſee "in deſpite of any oppoſition; and *that he who fought for "them ſhould by all means be aſſiſted.*" The archbiſhop was acquainted with this determination in the moſt honourable and affectionate terms the pope could find, who concluded his ſpeech by recommending him to the abbot of Pontigni, a religious houſe in Burgundy, that he might there be maintained during the time of his exile; ſaying, "that he, who "had hitherto lived in affluence and delights, ſhould now be "taught, by the inſtructions of poverty, the mother of reli-"gion, to be the comforter of the poor when he returned to "his ſee: wherefore he committed him over to one of *the "poor of Chriſt*, from whom he was to receive, not a ſumptu-"ous, but ſimple entertainment, ſuch as became a baniſhed "man, and a champion of Chriſt." Being thus diſmiſſed, he immediately retired into the convent aſſigned for his reſidence: but when he was there he thought it proper to wear the habit, as well as to conform himſelf to the life of a monk, and deſired to receive one from his Holineſs, who accordingly ſent it with his bleſſing. The reaſon given for this by one of his followers is, that almoſt all the archbiſhops of Canterbury had been monks, and, when any of them was not of tha profeſſion, ſome misfortune had been obſerved to fall on the kingdom: but it may rather be ſuppoſed that he did it to encreaſe the opinion of his ſanctity, and flatter the monks, who in England maintained his cauſe with much more affection than any of the ſecular clergy. It is very obſervable, that,

Alanus in Quadrilogo, l. ii. c. 13.

that, notwithſtanding the confeſſion he had made to the pope and the cardinals, in the manner here related, of his election to the ſee of Canterbury having been uncanonical, yet, in his anſwer to the letter which was ſoon afterwards written to him by all the biſhops of England, he endeavoured to juſtify it from that imputation; denying *that any injury had been done therein to the church*; and affirming that it was *lawfully* and *quietly* made, *with the conſent of all thoſe who had a right to elect him.* So different were the publick profeſſions of this man from his private declarations!

A.D. 1164.

V. Epiſt. 127. l. 1.

Upon the report made to Henry of the proceedings at Sens, that prince thought it neceſſary to exert his authority, with it's utmoſt terrors, againſt the rebellion of Becket, and to make Alexander himſelf, who ſo arrogantly abetted that rebellion, feel the effects of his anger. He therefore confiſcated all the archbiſhop's eſtate, and ſent an order to the biſhop of every dioceſe to ſeize the revenues of any of the clergy who had followed him into France, or had otherwiſe acted in derogation to the honor and dignity of the crown, conjointly with him, or for his ſake. All correſpondence with him was declared to be criminal; and it was forbidden to pray for him publickly in churches, which ſome hiſtorians of thoſe times have mentioned with horror, as the greateſt of cruelties: but, if this reſtraint had not been laid on the intemperance of their zeal, the monks would have turned their very prayers to ſedition. An order was likewiſe ſent forth to ſtop Peter-pence from being paid to the pope. In all theſe acts of government nothing was done by the king, beyond what juſtice, and the obligation he was under to maintain the laws of his kingdom, demanded and authoriſed. But he did not ſtop here. For, about the beginning of the year eleven hundred and ſixty five, he baniſhed out of England, by a general ſentence, all the relations, friends, and dependants of Becket, to the number of near four hundred perſons, without diſtinction of ſex or age; not excepting infants at

Hiſt. Quadrip. l. ii. c. 14. Gerv. Chron. ſub ann. 1165.

A.D. 1165.

V. Epiſt. 13, 15. l. i.

V. Epiſt. 79. l. iii.

A. D. 1165. the breaſt, if we may give credit to the words of Becket himſelf in ſeveral letters on that ſubject. Their lands and goods were confiſcated; and the adult perſons among them were compelled to take an oath, before they departed, that they would go to the archbiſhop, whereſoever he was; which was done in order to load him with the charge of their maintenance, and alſo to grieve him with the ſpectacle of the diſtreſs they endured on his account. Lord Chief Juſtice Hale, in his hiſtory of the pleas of the crown, after giving ſome examples of the uncertainty of treaſons at common law, during the early times of our government, makes this obſervation: "By theſe, and the like inſtances, that might be given, it "appears, how uncertain and arbitrary the crime of trea-"ſon was before the ſtatute of 25 Ed. III. whereby it "came to paſs, that almoſt every offence, that was or "ſeemed to be a breach of the faith and allegiance due to "the king, was by conſtruction and conſequence and inter-"pretation raiſed into the offence of high treaſon." Nor was the penalty better aſcertained than the crime; but varied in different reigns. As to the practice of involving the innocent in the puniſhment of the guilty for certain offences, which appears to have prevailed in the days of Henry the Second, I ſhall have occaſion to ſpeak of it more fully hereafter; but will only obſerve in this place, that when Becket complained of it ſo bitterly, as we find he does, in his letters, the anſwer to him might have been, that, for much lighter offences againſt the royal dignity than he had committed, ſeverities of this nature were ſuppoſed to be due from the juſtice of the kingdom: ſince he could not but know, that one of the king's chief juſticiaries, Richard de Lucy, had threatened the biſhops of the province of Canterbury, that *all their relations*, together with themſelves, ſhould in like manner be baniſhed, if they did not obey the royal mandate to elect him archbiſhop. There is great reaſon to believe that he himſelf was conſenting to this terrible menace; and

See p. 82. c. 11.

V. Epiſt. 126. eCod. Cotton. in Append.

if

if he was, it precluded him from the right of complaining in this inſtance: but nothing can juſtify the proceeding itſelf: for that which is contrary to humanity and natural juſtice cannot be warranted by any authority of law or cuſtom. A.D. 1165.

In excuſe of the king it may perhaps be ſuppoſed, that the cruelty of extending the general ſentence of baniſhment, againſt the relations and friends of Becket, even to women and infants at the breaſt, did not ariſe from the intention of Henry himſelf, but from the barbarous zeal of the officer who executed his orders; as it frequently happens, that, when kings are angry, the miniſters of their anger are much more inhuman than they. Ranulph de Broc, who had the principal care of this buſineſs, was a man of a cruel nature; and Gervaſe of Canterbury, who deſcribes him as ſuch, ſeems to impute theſe barbarities chiefly to his hatred of the archbiſhop, whoſe enemy he had been for ſome time. But admitting that he went beyond his commiſſion, and that Henry was induced to give him ſuch a commiſſion by the practice of thoſe days, yet they who adviſed that prince, under a notion of law or prerogative, to depart ſo much from the humanity of his own diſpoſition, gave him bad counſel, and made him greatly diſhonor the juſtice of the cauſe he maintained againſt Becket. There is a letter preſerved among thoſe of that prelate, without any name to it, but directed *to King Henry from one of his friends*, by which it appears that the writer had repreſented to him, with an honeſt freedom, the iniquity of proſcribing ſo many innocent perſons for the archbiſhop's offence, *eſpecially as ſome of them were no way related to him in blood.* We alſo find that this remonſtrance (which I imagine was made by the biſhop of London) had been graciouſly heard by the king, who acknowledged the truth of it, and promiſed to act more favourably towards them; at the neglect of which promiſe his friend expreſſed ſurprize and uneaſineſs, imploring him to mitigate the ſeverity of his edict, *as he had given his royal word ſo to do.* It would have been every way better for him, if other counſels

Gerv. Chron. ſub ann. 1165.

V. Epiſt. 48. l. i.

Ibidem.

A. D. 1165. Hiſt. Quadrip. l. ii. c. 14.

ſels had not finally prevailed over thoſe of this wiſe and faithful monitor: for the innocent ſufferers met with pity and kindneſs in their exile. Some of them, having been abſolved, by the authority of the pope, from the oath they had taken to go to the archbiſhop, reſided in Flanders, where they were ſupported very hoſpitably by the friends of that prelate. The king of France, the queen of Sicily, and many other perſons of diſtinction, took care of the reſt. So that the obſtinacy of Becket was not conquered, nor his diſtreſs much augmented, but his malice was exaſperated, and far better juſtified in the eyes of the world, by the cruelty of this unjuſt and unprofitable act.

Chron. Norm. ſub ann. 1165. See alſo Pere Daniel.

Things were now apparently tending to a rupture between the kings of France and England. The behaviour of Louis with relation to Becket was moſt offenſive to Henry. And he had been greatly diſguſted on another account. For the French monarch, in the year eleven hundred and ſixty four, had married one of his daughters by Eleanor to his brother in law, the earl of Blois, and preſently afterwards had inveſted him with the office of Seneſchal, without any regard to the right of the earls of Anjou, to whom it belonged. The taking away an hereditary dignity from a family with which he then was in peace, and giving it to another, ſo nearly related to himſelf, was a moſt violent act of arbitrary power.

The empreſs Matilda, apprehenſive of her ſon's being engaged in a war with the king of France at this time, when a great inſurrection was begun by the Welſh, ſought to make up their differences by the mediation of the pope, though ſhe could not but know that there was need of a mediator between her ſon and that pontif. He accepted of the office, and after ſome negociation prevailed on the two kings to have an interview at Giſors, in the Eaſter week of the year eleven hundred and ſixty five. The firſt point of which they treated was the affair of Becket: and as Henry would not be perſuaded to recede from his demand of an entire ſubmiſſion on the part of that haughty prelate,

V. Johan. Sarisb. epiſt. 31.

prelate, nor Louis from the aſſurance he had given him of protection, the diſcontent on each ſide continued very ſtrong. Yet the conference did not end in open hoſtilities; Henry thinking it prudent to diſſemble his reſentment, in conſideration of the unſettled ſtate of his kingdom. As for the reſtitution of the office of Seneſchal, which he juſtly demanded, it was not agreed to, nor abſolutely refuſed, but left to a future deciſion. Perhaps he might think it of leſs conſequence to him, in his preſent ſituation, to carry this point, than to ſooth the earl of Blois, by permitting him to enjoy it, as a temporary benefit, without any departure from the maintenance of his own claim. A conference was alſo propoſed between him and the pope, to which he conſented, but conditionally, that Becket ſhould not be preſent. The archbiſhop, hearing of this, entreated Alexander, by letters, not to agree to the interview on that condition; telling him, that, without an interpreter as ſkilful as he was in the king's language, his Holineſs would be in danger of being deceived by the ſubtilty of that prince. Whereupon the pontif ſent back this meſſage to Henry, "that it had never been heard of in any age, that "the church of Rome, at the command of any prince what-"ſoever, had driven any perſon out of her train; eſpecially "one who was baniſhed for the cauſe of juſtice: but that "*it was a privilege and authority granted from above to the* "*apoſtolical ſee, to ſuccour the exiled and the oppreſſed of all* "*nations againſt the rage of their ſovereigns.*" Having thus avoided a conference, which his ſenſe of the obligations he had to Henry, and the bad return he was making, muſt have rendered extremely diſagreeable to him, he ſet out for Rome, which was opened to him by the death of Victor, and a confederacy of many cities of Italy in his favour. Nor did Henry remain in France; but, as ſoon as he had ſecured himſelf againſt any immediate danger of a war in thoſe parts, he haſtened back to his kingdom, where his preſence was now become

A. D. 1165.

V. Hiſt. Quadripartitam.

A. D. 1165. See the Welſh Chronicle under the year 1163, 1164, 1165, and Brompton's Chron. under the year 1164.

become very neceſſary. For not long after the peace he had concluded in South-Wales, with Rhees ap Gryffyth, that prince's nephew Eneon having been murdered in his bed, by a Welſhman of his own houſehold, Rhees conceived a ſuſpicion that the earl of Chepſtow and Pembroke had procured the aſſaſſination, out of revenge for the hoſtilities committed againſt him the year before, or uſed this as a pretence for breaking the oath of fealty, which he had taken to Henry, by making an incurſion into the lands of that earl. The attack being unexpected, he met with little reſiſtance, and in a very ſhort time recovered all Cardiganſhire, except the caſtle of Cardigan, then called Abertivy. I find no reaſon to believe that the earl was concerned in the murder of Eneon. The Welſh were accuſtomed to aſſaſſinate one another, upon any quarrels among them, or the bare ſuſpicion of an injury: and it was very improbable that this nobleman, who knew that his ſovereign never pardoned a crime of that nature, ſhould dare to commit it, at the hazard of exciting a rebellion in that country, ſo lately pacified. But, in reality, the ambition of Rhees ap Gryffyth was the motive of this revolt. He could not behold the royal ſeat of his anceſtors, their ancient palace of Dynevowr, in which he was ſuffered to reſide, without reflecting that the kingdom, they had poſſeſſed for ſome ages, was uſurped by foreign invaders. The very walls of it ſeemed to reproach him with a degenerate and ſervile ſubmiſſion: but above all, the high eſteem and fond affection which his countrymen continued to ſhew him, called upon him, as he thought, to ſet them free: and he had a ſpirit always ready to anſwer that call, believing that on their liberty he ſhould build his own greatneſs. Having therefore a fourth time drawn the ſword againſt Henry, and with ſo proſperous a beginning, he carried his arms, from his new-acquired territories in the province of Cardigan, into that of Pembroke, attacked the Flemings ſettled there, and ravaged all their country; from whence he returned to Dynevowr, with

with great ſpoils and much honor, about the end of the year eleven hundred and ſixty four. During the winter he negociated with all the other Welſh princes. He reproached them with their cowardice and puſillanimity. He ſhewed them how favourable the conjuncture then was for an attempt to deliver themſelves and their country from the oppreſſion of foreigners; diſſenſions in England between the church and ſtate; an archbiſhop of Canterbury exiled; his cauſe ſupported equally by Rome and by France; a great probability of a war between Louis and Henry, on that and other accounts. Theſe inſtigations ſo inflamed them, and they were ſo animated by the ſucceſs which had attended his enterpriſes, that not only Owen Gwyneth and all his ſons, but his brother Cadwalladar, who had particular obligations to Henry, and the princes of Powis-land, the ſons and the nephew of Madoc ap Meredyth, on whoſe affection he moſt depended, now took up arms to regain their national independence. A. D. 1165.

Proviſion having been made for levying ſoldiers againſt Rhees ap Gryffyth, in the parliament held at Northampton the year before, the king, upon his arrival in England from Normandy, found ſome forces aſſembled, with which he marched into Flintſhire, where David, one of the ſons of Owen Gwyneth, had made grievous devaſtations. The king was apprehenſive that the Welſh would beſiege Ruthlan caſtle, and therefore haſtened to ſecure it: but he found, when he came thither, that, after having ravaged the open country, they had paſſed, like a ſudden tempeſt, and were retired, with their plunder, to the vale of Cluyd in Denbighſhire: whereupon he contented himſelf with ſtrengthening the garriſons of all his caſtles in Flintſhire, and then returned into England, to augment his forces. For he knew how great a war he had to ſuſtain, and how difficult he ſhould find it to vanquiſh ſo courageous and ſo warlike a nation, now, when they

V. Stephanid. in vitâ S. Thomæ.

See the Welſh Chron. and Brompton's under the year 1165. Giral. Cramb. Itiner. l. ii. c. 12. Neubrig. l. ii. c. 18.

A. D. 1165. they were united, which they never had been ſince their firſt confederacy againſt William Rufus. That he might be able to oppoſe this formidable league, he not only raiſed an army of choſen men out of all his Britiſh territories, but brought over many troops from Normandy, Aquitaine, Anjou, Bretagne, and Flanders. With this combined force, the greateſt that had ever been drawn together againſt Wales, by any king of England, he marched to Powis-land, which he entered at Oſweſtry, and there encamped for ſome time, waiting to ſee what effect the terror of his approach would have on his enemies, and whether ſome of their chiefs, particularly the princes of Powis-land, whoſe family had been long diſtinguiſhed by their fidelity to the Engliſh, might not leave their confederates. But all were conſtant in the part they had taken; all were intrepid; all were actuated with an equal and ardent deſire of recovering their country from the poſſeſſion of ſtrangers, and ſhaking off from their necks the diſhonorable yoke of a foreign domination. The whole power of North-Wales was collected in great multitudes, under Owen Gwyneth and his brother Cadwalladar; that of South-Wales under Rhees ap Gryffyth; that of Powis-land under Owen Cyveliock, and the five ſons of Madoc ap Meredyth; to whom were joined the Welſh inhabitants of the country ſituated between the Wye and the Severn, under two ſons of Madoc ap Ednerth, who governed as much of it as was not poſſeſſed by the Engliſh, with ſome dependence upon the princes of Powis-land and South-Wales. All theſe aſſembled at Corwen in Edeyrneon, a part of Merionethſhire according to the preſent diviſion of Wales, but belonging at that time to Powis-land; and they compoſed ſuch an army, as, aided by the natural ſtrength of the country, was not inferior to that brought againſt them by Henry. When this monarch had intelligence of their being ſo near him, he advanced to the river Ciereoc, and, for fear of ambuſcades, commanded the woods, that covered the banks on both ſides of it, to be cut down.

But, while this was executing, a body of the enemy, without any orders from their leaders, fell on his vanguard, in which he had poſted all the flower of his army. A bloody action enſued: the Welſh fought bravely; but Henry at laſt gained the paſs, and came to the mountain of Berwin, one of the higheſt in Wales, at the foot of which he encamped. The Welſh hung, like a dark cloud, at the top and on the ſides of it, waiting an occaſion to fight the king with advantage, who found it impracticable to attack them in the poſt they had taken, and was very uneaſy in his own. For the flying parties of the enemy cut off his proviſions; and his ſoldiers being afraid to ſtir from their camp, were ſoon diſtreſt by a great ſcarcity both of victuals and forage. While he was conſulting what meaſures he ſhould take to force the Welſh to a battle, there fell on a ſudden ſuch exceſſive and violent rains, followed by ſuch inundations and torrents of water, pouring down from the mountains into the vale where he lay, that he was obliged to retire, and give over his deſign of maintaining himſelf in thoſe parts, or driving the enemy from their ſtation. But, to puniſh them as much as lay in his power, he commanded the eyes of the hoſtages, they had formerly given him, to be now put out, in revenge of their violation of the faith they had plighted to him in his palace of Woodſtock. Among theſe were two ſons of Rhees ap Gryffyth, and two of Owen Gwyneth. A. D. 1165.

The putting hoſtages to death in ſome caſes has been thought agreeable to the law of nations; and examples of it are found in the hiſtory of the Romans and other civilized people; but the law of nature, and the mild dictates of the Chriſtian religion, which are the beſt interpreters of that law, condemn and forbid it. Yet the uſage of the times ſeemed to authoriſe Henry, and an unhappy neceſſity almoſt compelled him, to ſtrike a terror by this means, into the chiefs of the Welſh; that he might ſecure his own people, who were expoſed to their inroads, from which no regard to their treaties or their oaths was

V. Dionyſ. Halicarn. l. iv. c. 3. Plutarch de Virtute Militari, p. 244. t. ii.

V. Grotium de Jure Belli & Pacis, l. ii. c. 21. l. iii. c. 4. Puſendorff, l. viii. c. 2.

A. D. 1165. was able to reſtrain them, and in which they committed the moſt horrid barbarities. How averſe he was to it we may judge from his forbearance in reſpect to the ſons of Rhees ap Gryffyth, who had twice rebelled ſince the year eleven hundred and fifty ſeven, when their father had made them the pledges of his fidelity; but they had not ſuffered for this treaſon till this third inſurrection, which was more unprovoked, and more pernicious to the Engliſh ſubjects in Wales, than either of the former. If the king had ſtill ſpared them, the uſe of taking ſuch hoſtages would have been loſt for the future; and it was not eaſy to find any other ſecurities, by which a nation ſo barbarous, and ſo prone to rebellion, could have been hindered from continually breaking the peace.

Dr. Powel's Welſh chron. under the year 1166.

After ſome neceſſary refreſhment had been given to his army, Henry reſolved to revert to the plan of operations, upon which he had acted ſo ſucceſsfully in the year eleven hundred and fifty ſeven, that is, to convey his troops by ſea, and infeſt all the maritime parts of Wales, without attempting to penetrate into the heart of the country. With this view he went to Cheſter, and continued there ſome time, till all his navy, and ſome ſhips that he hired from Ireland, were brought together on that coaſt. But on a ſudden, in the midſt of theſe preparations, he broke up his camp, and diſcharged both army and fleet. It may be preſumed, that an apprehenſion of ſome rebellion breaking out in his foreign dominions, or of ſome attack being intended againſt thoſe countries, while he ſhould be embarraſt with this war, was the cauſe of ſuch a precipitate alteration of his meaſures, for which no reaſon is aſſigned by the contemporary hiſtorians. This fear may have been founded upon a ſecret intelligence he then received, and which was never made publick. It was certainly no light matter, that could prevail upon him thus to leave his dominions in Wales expoſed to the fury of the inſulting and exaſperated Welſh. The conſequences of it were pernicious

to

to his reputation and intereſt. For Rhees ap Gryffyth laid ſiege to the caſtle of Abertivy, and took it: by which having completed his conqueſt of Cardiganſhire, he turned his arms againſt Pembrokeſhire, then called Dyvet by the Welſh, and made himſelf maſter of the fortreſs of Cilgerran, one of the beſt in all Wales, which the Engliſh and Flemings, who belonged to that province, twice endeavoured to recover, but failed in their attempts. And, not long afterwards, the caſtle of Baſingweark was taken and demoliſhed by the army of North-Wales under Owen Gwyneth. The bad ſucceſs of this war appears to have been a matter of great triumph to Becket: for, in a letter he wrote to the biſhop of Hereford about the end of this year, after reminding that prelate of the injuries he had ſuffered, *when in his perſon Chriſt was again judged before the tribunal of a prince*, he threatened the king with the ſevereſt judgements of God for theſe offences, and inſultingly aſked, with expreſſions borrowed from the ſcriptures, "*Where are now his wiſe men! Let them come forth, "and declare to him what the Lord of hoſts has thought concerning England. His wiſe men are become fools: the Lord "has ſent among them a ſpirit of giddineſs; they have made "England reel and ſtagger like a drunken man!*"

A. D. 1165.

Dr. Powel's Welſh chron. under the year 1166.

V. Epiſt. 40; l. i.

Beſides theſe loſſes in Wales, fortune had now given another mortification to Henry. The agreeable hope that the princeſs, whom his eldeſt ſon had married, might happen to inherit her father's crown, which had long amuſed his ambition for the aggrandiſement of his family, was defeated this year by the birth of a ſon to the king and queen of France. How much uneaſineſs had been felt by Louis himſelf, from the apprehenſions of a diſputed ſucceſſion in his kingdom, before this event, we have a remarkable proof in a letter written to Becket, while that prelate was ſtill in England, by John of Saliſbury, his agent at the French court. He there relates to him, among other particulars, which had paſſed in a ſecret audience he had obtained of the king, that

Diceto imag. hiſt. ſub. ann. 1165.

V. Epiſt. 24. l. i.

A. D. 1165. this monarch being informed by him of the health of the young princeſs, his daughter, eſpouſed to the prince of England, had made anſwer thereupon, *that he heartily wiſhed the angels had already received her into paradiſe.* He replied, *that by God's mercy ſhe would hereafter be there, but before that time ſhe would make the happineſs of many nations.* The king ſaid, *that this was poſſible indeed to God; but it was far more likely that ſhe would be the cauſe of many evils.* And, undoubtedly, if he had died without a ſon, her pretenſions, and thoſe of her huſband in virtue of his marriage, might have occaſioned a civil war in France; which probably would have ended in the ſettlement of the kingdom upon the houſe of Plantagenet: but, though the diſappointment of this hope might be unpleaſing to Henry, it was happy for England; as the certain conſequence of the two kingdoms being under one ſovereign would have been the ſubjection of the intereſts, if not of the laws and government of this iſland, to thoſe of France. Some compenſation was given to him for the proſpect he had loſt, by a propoſal of marriage now made to his eldeſt daughter Matilda, from Henry, ſurnamed the Lion, duke of Saxony and Bavaria, to whom, in the luſtre of his family, and extent of his dominions, few kings were equal. On the ſide of his mother he could reckon ſix emperors among his progenitors, and by the male line he deſcended from the noble houſe of Eſte, one of the moſt ancient in Italy. Azzo the Fourth, a prince of that family, had come into Germany, about a hundred years before, and married the daughter of Guelph the Third, count of Ravenſburg and of Altorff; by whom he had a ſon, who, upon the death of his uncle, in the year of our lord one thouſand and fifty five, inherited all the territories belonging to thoſe counties; and, about fifteen years afterwards, obtained the inveſtiture of the dutchy of Bavaria from the emperor Henry the Fourth. The dutchy of Saxony was alſo acquired by a marriage, which Henry the Proud, great grandſon to Azzo, contracted with Gertrude,

Diceto imag. hiſt. ſub ann. 1165.

V. Annales Paderb. & Annales Gori.

trude, the only child of the emperor Lotharius the Second. A. D. 1165.
Upon the deceaſe of Lotharius, in the year eleven hundred and thirty eight, his ſon-in-law aſpired to the imperial crown: but Conrade duke of Franconia being preferred to him, he was put under the ban of the empire, and forced to compound for the recovery of all his other dominions, confiſcated in this conteſt, by yielding Bavaria to the Margrave of Auſtria. His ſon, Henry the Lion, recovered that dutchy, by a decree of the diet under the emperor Frederick, in the year eleven hundred and fifty three; but not ſo entire as his father had poſſeſſed it. Nevertheleſs both that and Saxony were much more extenſive in thoſe days than at preſent; and beſides theſe he had two dutchies, which no longer ſubſiſt, Weſtphalia and Angaria; in the latter of which were contained the provinces of Brunſwick and Luneburg. Great conqueſts had been likewiſe made by the valour of this prince, in the countries north of the Elbe, upon the Venedi, the Sclavi, and the Vandals, who, together with their religion, ſtill retained the martial ſpirit and fierceneſs of their anceſtors. Many of theſe he drove out from the dutchy of Mecklenburgh, and repeopled the country with Saxons and other Chriſtians: the reſt he forced to ſubmit to his government, or to that of the king of Denmark, whoſe arms he aſſiſted. The renown he gained by theſe exploits was ſo widely diffuſed, that the Greek emperor, Emanuel Comnenus, ſent him an embaſſy, to congratulate him upon them, and deſire his alliance. As to his perſonal qualities, I find this character of him in Radevicus, a contemporary German hiſtorian, who, not being his ſubject, may be reaſonably ſuppoſed to have given it impartially. "He was endowed by nature (ſays "that author) with a very agreeable countenance, a very "ſtrong body, and a much ſtronger mind. From his ear-"lieſt youth, he did not give himſelf up, to be corrupted by "ſloth and luxury; but, conformably to the cuſtom of the "Saxons, employed all his time in exerciſes of chivalry, "among

V. Radevic. l. ii. c. 38.

A. D. 1165. "among the nobility of his own age; and, though he ſur-
"paſſed them all in glory, was yet beloved by them all. He
"contended with the braveſt in valour, with the moſt modeſt
"in modeſty, and with the moſt innocent in the integrity
"and ſobriety of his manners, ſeeking rather to be than ſeem
"good. But the virtue he moſt excelled in was ſtrict and
"ſevere juſtice; inſomuch that he was a terror to all bad
"men, and moſt dear to the good, by the reſpect he cauſed
"to be paid to his laws."

From the picture of him here drawn he appears to have been a prince of the firſt rank in merit, as well as power: yet, however deſirable an alliance with him might be in all theſe reſpects, there was one objection againſt it of no ſmall weight, namely, that he was conſidered, both by the Engliſh and French, as a ſchiſmatick, for taking part with the two antipopes, Victor and Paſchal. It is probable that this circumſtance would have prevented the king from agreeing to the match, if he had not been greatly incenſed againſt Alexander, and deſirous to procure to himſelf new alliances, which he might ſafely depend on, in caſe that his Holineſs ſhould be driven, by the violence of Becket, to further hoſtilities. But theſe motives induced him to accept the duke of Saxony's propoſal with pleaſure. It was brought to him by miniſters ſent from the emperor, who was couſin-german to that prince; and they were ordered to propoſe, not only this marriage, but a confederacy between their maſter and the king. At the head of the embaſſy was the archbiſhop of Cologne, the emperor's favourite, and principal miniſter. An embaſſador of ſuch dignity had never before been ſeen in England. He was therefore entertained with extraordinary honors. All the nobility went out in great pomp to receive him, except the earl of Leiceſter, who refuſed it, on account of the excommunication he had been laid under by Alexander, as a chief abettor of the ſchiſm. It ſeems ſtrange that this lord, ſhould thus alone, and in oppoſition to all the other

Diceto, ſub ann. 1165.

peers,

peers offend the king, and the royal family, in ſo tender a point. There is not the leaſt intimation, either in the hiſtory of thoſe times, or the epiſtles preſerved to us, that he had been ſoured againſt Henry by any act of that monarch. This ſingularity muſt have been therefore the effect of a conſcientious regard to religion: and from hence it may, perhaps, be not unjuſtly inferred, that he would not have taken a leading part in the proceedings againſt Becket, if he had not thought them agreeable both to the law of the land and the law of God. It may be preſumed that he diſapproved both of the match with the duke of Saxony and the confederacy with the emperor: but it does not appear that he oppoſed them; or that any one of the prelates objected againſt them. On the contrary, we find, that not only the young princeſs was betrothed to the duke, and the league with Frederick agreed to, without contradiction, but ſoon after the return of the archbiſhop of Cologne the following letter was ſent to that prelate by the king. "I have long wiſhed that ſome "juſt occaſion might be given me to leave the party of Pope "Alexander and his perfidious cardinals, who preſume to "maintain that traitor, Thomas, ſome time archbiſhop of "Canterbury, againſt me. Wherefore *by the advice of all my "barons, and with the conſent of my clergy*, I now intend to "ſend to Rome ſome principal men of my kingdom, namely "the archbiſhop of York, the biſhop of London, the archdeacon of Poitiers, Richard de Lucy, and John of Oxford, "who publickly and manifeſtly, in behalf of myſelf and the "whole kingdom of England, and of all the other territories "under my government, ſhall propound and denounce to "Pope Alexander and his cardinals, that I expect they ſhall "no longer ſupport that traitor, but ſo rid me of him, as "that I may, with the advice of my clergy, eſtabliſh another "in the church of Canterbury; and ſhall further require "that they revoke and annul whatſoever he has done. This "alſo ſhall they demand, that, in their preſence, the pope "ſhall

A.D. 1165.

V. Epiſt. 69. l. i.

A. D. 1165. "shall cause an oath to be publickly taken, that he himself "and his successors shall for ever maintain (as far as in them "lies) to me and all my successors, the royal customs of my "grandfather, Henry the First, unshaken and inviolate. "But, if it shall so happen that they refuse any one of my "demands, then neither I, nor my clergy, will any longer "pay any obedience to Alexander; nay, we will openly op- "pose him and all his adherents: and whosoever in my "dominions is found to persist in a wilful adherence to his "party shall be driven into banishment. We therefore "entreat you, as our dearest friend, that you will not fail to "send us speedily brother Ernold, or brother Radolph, of "the order of the knights hospitallers, who, on the part of "the emperor and yourself, may give my ambassadors a "safe conduct, to go and return through the emperor's "territories."

That Henry should thus, *by the advice of all his barons, and with the consent of his clergy*, declare a resolution so contrary to all their former proceedings, with regard to the election of Alexander, is very surprising. It seems to shew, that the whole nobility, and a majority even of the clergy in England, thought the acknowledgement of a pope rather a matter of policy, than of right or religion, and believed, that they were at liberty to withdraw their obedience, if he, whom they had acknowledged, presumed to oppose the customs of the kingdom. But how these notions could agree with that veneration for the papacy, or that abhorrence of schism, which in other instances they professed, and testified by their conduct, it is not easy to discover.

Of the five ambassadors named in the king's letter here recited, two only were sent, namely Richard of Ivelchester, archdeacon of Poitiers; and John of Oxford. They found at Wurstburg (or Wittenberg) a diet assembled for the more solemn acknowledgement of Guido de Crema, who was called by his adherents Pope Paschal the Third. The em-

V. Baronii annales. Francisci Pagi Breviar. pont. Roman.

peror

peror himſelf, and, after him, all the princes and biſhops there preſent, ſwore to obey the ſaid Paſcal, and never to acknowledge Orlando, called Alexander, or any ſucceſſor elected by thoſe of his faction. It was alſo decreed, that whoſoever ſhould afterwards ſucceed to the empire, ſhould bind himſelf by an oath to ſupport the imperial dignity, and adhere to the engagements that were taken in this diet. Laſtly, it was enjoined, that, within ſix days after the diſſolution of the council, the ſame oath ſhould be tendered to all orders and ranks of men throughout the whole empire; which whoſoever refuſed was to be deemed a publick enemy. Towards the end of theſe proceedings Richard of Ivelcheſter and John of Oxford arrived at Wurtſburg; and (if we may believe the emperor's letters patent, ſoon afterwards publiſhed) did there, in the name of their maſter, take an oath, upon the reliques of ſaints, *that the king of England and his whole kingdom would faithfully adhere to the emperor's party, and conſtantly acknowledge the pope whom he had acknowledged, without doing any thing further to ſupport the ſchiſmatick Orlando:* But, though in theſe letters we find no mention made of any condition having been annexed to the oath, there is reaſon to think that the embaſſadors took it conditionally, in caſe that Alexander ſhould refuſe to give the king ſatisfaction with relation to Becket. For ſo the letter to the archbiſhop of Cologne explains his intention. We have alſo a letter from the archbiſhop of Rouen, in which that prelate moſt ſolemnly aſſures the pope, *that neither by himſelf, nor by his embaſſadors, had the king given any oath or promiſe to the emperor, that he would acknowledge the antipope.* Yet this expreſſion, I preſume, muſt be underſtood to mean only, that no *unconditional* oath or promiſe had been given. For the biſhop of London, in a letter to Alexander, which he wrote to vindicate Henry againſt this charge, ſeems no otherwiſe to deny it. "The king (he ſays) aſſerted, that he had not "withdrawn his regard from that pontif, nor ever purpoſed "to

A. D. 1165.

Epiſt. S. Thom. l. i. epiſt. 70, 71.

V. Epiſt. S. Thomæ, 70, 71. l. i.

V. Epiſt. S. Thomæ, 102. l. i.

Epiſt. 38. l. i.

A. D. 1165. "to do it: but, *ſo long as his Holineſs would act towards him* "*with a paternal affection*, he would love him as a father, "and obey his injunctions, *ſaving his own royal dignity, and* "*that of his kingdom.*" The ſame conditions are expreſſed in a letter written by the king to the college of cardinals, as an anſwer to ſome complaints the pope had made on this ſubject. He there aſſures them, "that it was his moſt "hearty deſire to perſevere in the integrity of love to that "pontif, if *his Holineſs would, in return, maintain to him and* "*his kingdom the ſame honor and dignity, as holy and venerable* "*popes of Rome had maintained to his predeceſſors.*"

Epiſt. 41. l. ii.

It was a very wonderful thing, that the emperor's letters patent, publiſhed to the whole empire, ſhould repreſent an engagement as abſolute, which was only conditional, and dependant on a contingency which might never happen! But it is ſtill more unaccountable, that Henry's miniſters ſhould have ſo exceeded their orders, as to have abſolutely engaged him, without his conſent, in an act of ſuch importance; or that, if they had done ſo, he ſhould not have puniſhed them, on their return to England: whereas it appears, that they continued to enjoy his favour and confidence. Perhaps they had acted upon ſecret inſtructions, which he thought proper to deny to all but themſelves. However this may have been, it is ſufficiently evident, that his honor ſuffered very much from this tranſaction. For he did not frighten Alexander into any compliance with his demands; nor yet did he quit him, upon their being rejected; as, by his letter to the archbiſhop of Cologne, he had promiſed to do. It does not even appear, that he ever propoſed to that pontif the oath mentioned therein: nor did his embaſſadors go from Wurtſburg to Rome. This variation in the purpoſes and conduct of a prince, whoſe mind was naturally ſteady, muſt unqueſtionably have been owing to ſome ſecret cauſe, which is hidden from us by our ignorance of the anecdotes of thoſe times.

About

A. D. 1166.

About the beginning of the year eleven hundred and ſixty ſix a ſynod was held at Oxford, in the preſence of Henry, for the examination of ſome German men and women, about thirty in number, who four or five years before had come over into England from ſome part of the lower Germany, either to ſhun a perſecution, or to propagate their opinions, which differed from thoſe of the eſtabliſhed religion. At the head of them was one Gerard, to whoſe guidance they implicitly ſubmitted their minds; he having ſome learning; whereas they all were illiterate and ignorant ruſticks. For ſome time after their landing, as their manners were perfectly innocent, and they were cautious of any publick declaration of their tenets, no notice was taken of them by the clergy or government. They gained but one proſylete, who was a woman of low rank; yet this gave an alarm, and ſome enquiring more curiouſly into their doctrines, they were taken up, and impriſoned while the king was abroad. Being now in England, and at leiſure to conſider this affair, he would neither diſmiſs nor puniſh them unexamined. A ſynod of biſhops was therefore convened by him at Oxford, before which they were brought; and being ordered to make a ſolemn profeſſion of their faith, they anſwered by Gerard, their teacher, who took upon himſelf to ſpeak for them, *that they were Chriſtians, and venerated the doctrines of the apoſtles.* But when they were examined particularly upon the ſeveral articles of faith, they anſwered (ſays William of Newbury) perverſely and erroneouſly concerning the ſacraments, ſpeaking with deteſtation of baptiſm, of the euchariſt, and of marriage. When they were preſſed with texts of ſcripture in oppoſition to theſe notions, they ſaid, *they believed as they were taught, but would not diſpute about their faith.* Being admoniſhed to repent, and return to the body of the church, they received thoſe exhortations with a determined contempt. When they were threatened with puniſhment, they ſmiled, and anſwered, *Bleſſed are they who ſuffer perſecution for righteouſneſs' ſake; for their's*

Neubrigenſis, l. ii. c. 13. Diceto imag. hiſt. ſub ann. 1166.

A.D. 1166. *their's is the kingdom of heaven.* The biſhops therefore condemned them as obſtinate hereticks, and delivered them over to the king for corporal puniſhment. Henry had no rule, in the practice or laws of his kingdom, to direct him in the manner of puniſhing ſuch offenders. For William of Newbury well obſerves, that no hereſy had ever ariſen in England, or been brought into it from abroad, ſince the expulſion of the Britons from that part of the iſland ſo called by the Saxons. But againſt the Albigenſes, (of which ſect the abovementioned hiſtorian ſuppoſes theſe to have been) the council of Tours had made a canon forbidding all perſons, under pain of incurring the higheſt cenſures of the church, to harbour or protect them, or to hold with them any intercourſe of buying or ſelling, *that, by being deprived of all the comforts of human ſociety, they might be compelled to repent, and forſake their errors.* Moreover, all catholick princes were exhorted and injoined by the council, to impriſon any of them whom they diſcovered in their territories, and confiſcate all their poſſeſſions. Henry, no doubt, was appriſed of theſe canons by his biſhops, and he acted conformably to that cruel ſpirit by which they were dictated: a ſpirit very different from the humanity and benignity of his own nature. He did not indeed remand theſe perſons back to priſon, but he commanded them all to be branded in the forehead with a hot iron, and then to be publickly whipt and expelled out of Oxford. He likewiſe forbad all his ſubjects to receive them in their houſes, or give them any relief. Their teacher, as the moſt culpable, was diſtinguiſhed from the reſt by being branded in the chin as well as the forehead. When they were led to their puniſhment, they went joyfully; their teacher going before them, and ſinging theſe words of the goſpel, *Bleſſed are ye, when men ſhall hate you.* The ſentence was executed with the moſt barbarous rigour. Their cloaths were cut off as low as to their waſtes; their backs were torn with ſtripes, unmerciſully inflicted; and they were turned out naked

L. ii. c. 13.

Ibidem. c. 15.

Neubrigenſ. l. ii. c. 13.

naked and bleeding into the open fields, in the midſt of winter; the cold of which, and the want of all the neceſſaries of life, ſoon miſerably killed them; none affording them any ſuccour, or even ſhewing them any pity. But the Engliſh woman, whom they had perſuaded to embrace their opinions, forſook them, for fear of the inſtant puniſhment, and eſcaped it: nor, till long afterwards, did any ſectaries, who diſſented from the eſtabliſhed faith of the church, venture to come into England, leſt they alſo ſhould periſh in the ſame lamentable manner as theſe unfortunate perſons. A.D. 1166.

A learned author, who has lately inveſtigated this matter with great accuracy and ſagacity, believes that the hereſy, with which Gerard and his diſciples were infected, was that of the *Cathari*, or Puritans, a fanatical ſect, who came from Greece into Italy, and were firſt diſcovered in the Milaneſe about the middle of the eleventh century, from whence they ſpread into France and many other countries, where they were called *Albigenſes*, *Patareni*, and *Publicans*. Theſe have been very improperly confounded by hiſtorians with the Vaudois and Waldenſes, who differed but little from the doctrines of the reformed churches in our days: whereas the *Cathari* were imbued with opinions deſtructive of true Chriſtianity, if we can give any credit to the accounts that are delivered of their tenets by the beſt contemporary authors. But even the beſt muſt, in theſe points, be read with doubt and caution.

V. J. Conradi Fueſilini Helveto-Tigurini Diſſertatio de Fanaticis Seculo XI. in Italiâ detectis, & ejuſdem epiſt. ad archiepiſc. Cant. de Fanaticis Seculo XII. in Angliâ repertis &c.

Chron. Norm.

This affair being thus terminated, Henry went into France, where his preſence was become neceſſary on many accounts. The firſt meaſures he took were to chaſtiſe ſome of his barons in the earldom of Maine, for having diſobeyed the commands of Queen Eleanor, whom he had left regent there, as well as in Aquitaine, at his laſt return into England; and for having confederated themſelves with ſome nobles of Bretagne, in what they called an aſſociation for their mutual defence, but, indeed, in a conſpiracy againſt his authority. He did

A D. 1166. not wait till he felt the dangerous effects of this new-cemented league; but drew the ſword firſt, and before they could receive any aſſiſtance from the Bretons, forced them all to ſurrender to him both their caſtles and perſons. The ſeeds of ſedition, which had been ſown in that province, being thus cruſhed in good time, he next applied himſelf to compoſe the diſorders, which had broken out in Bretagne. The baron de Fougeres, who had been the chief inſtrument of Duke Conan's ſucceſs in the civil war between him and his father-in-law Eudo, had now raiſed a very dangerous rebellion againſt him; which was eaſily done under the government of a weak and indolent prince, in a country where the nobility had been accuſtomed to maintain their power by faction, and their riches by plunder. Many barons joined with him, and he had flattered himſelf with an additional ſtrength from the intended inſurrection in the earldom of Maine: but his chief confidence was in Louis, who, by a promiſe of ſupport, had excited him to take arms. It is very probable that Becket had opened the eyes of that monarch, and ſhewn him the error of his conduct, in having ſuffered the king of England to acquire for himſelf the city of Nantes with its earldom, and to give the reſt of the dutchy of Bretagne to Conan. Upon the diſcovery of ſuch a powerful combination againſt him, the duke was greatly intimidated, and ſeeing no means of defence, but in the friendſhip and aſſiſtance of Henry, concluded a treaty, which had been in agitation ſome time, for the contracting of his only child, the Princeſs Conſtantia, with Geoffry, Henry's third ſon, and reſigning to Henry, as truſtee for that prince during the time of his infancy, the whole dutchy of Bretagne, except the earldom of Guingamp, which he reſerved to ſupport him in a ſtate of retirement, more agreeable to his temper than a government expoſed to perpetual troubles, and requiring abilities he was conſcious were wanting in himſelf. To accelerate and ſecure the execution of a purpoſe ſo beneficial to his family, Henry led

Diceto imag. hiſt. ſub ann. 1166. Neubrigenſ. l. ii. c. 18. Chron. Norm.

led into Bretagne all the troops he could aſſemble, and began his operations by beſieging the caſtle of Fougeres, a place very well fortified, and provided with all neceſſaries for a long defence. The baron, having laid waſte the whole country about it, upon the approach of the king, put himſelf at the head of a ſelect body of horſe, with which he cut off the ſmall parties that the beſieging army was obliged to ſend out to a diſtance, for proviſions or forage; and by ſudden incurſions often harraſſed the camp itſelf. This retarded the ſiege; and Henry, fearing that the difficulties of procuring ſubſiſtance for his forces would daily encreaſe, reſolved to ſtorm the caſtle. This determination was bravely executed; he took it ſword in hand: the garriſon were all made priſoners of war; the caſtle was pillaged and demoliſhed. So great a terror was ſtruck into the minds of the other nobles, who had rebelled againſt Conan, by the heavy blow thus unexpectedly given to their chief, that immediately they all laid down their arms, and ſubmitted to Henry, who purſuant to the agreement between him and Conan, took poſſeſſion of the dutchy in the name of his ſon, and received the homage of the vaſſals, as adminiſtrator and governor of Bretagne, till the young prince and Conſtantia ſhould be capable of the government. They were not yet old enough to conſummate their marriage: but ſuch premature matches in the families of princes were authoriſed by the general practice of the times. A greater objection to this was the conſanguinity of the parties; for they were couſins in the third degree; and therefore a papal diſpenſation was requiſite to make the marriage canonical, which Henry hoped to obtain from Alexander, notwithſtanding the diſſenſion between him and that pontif upon eccleſiaſtical matters. In the mean while he had the cuſtody of the princeſs, as well as the adminiſtration of all her dominions.

A. D. 1166.

V. Epiſt. 163. l. i.

Diceto. Neubrigenſ. Chron. Norm.

This was the greateſt acquiſition that any king of England had ever made on the continent, except that of Normandy by

Henry

A. D. 1166. Henry the Firſt. It had been formerly divided into upper and lower Bretagne, under different earls, who, by the cuſtom of Gavelkind, derived from them by the Britons, had equally ſhared the inheritance, at the death of Geoffry the Firſt, huſband to the great aunt of William the Conqueror. But Conan le Petit having inherited the upper Bretagne from his mother, the daughter of Conan le Gros, and the lower from his father, Alan le Sauvage, his daughter now ſucceeded to the whole dutchy reunited. This revolution, which committed the government of it to Henry in the minority of that princeſs, was of great advantage to the people. They had been grievouſly tyranniſed over by the nobles; ſome of whom were ſo powerful, that, as they feared no chaſtiſement, they diſdained all ſubjection, and, for many years paſt, had ſo deſolated their country with civil wars, or acts of cruelty and violence, that large tracts thereof were deſerted. But Henry taught them to reſpect the authority of government and dread its juſtice. It is the peculiar glory of this prince, that where ever he gained dominion he drove out all tyranny! The Bretons knew this, and therefore ſought his protection. Nor were they deceived in their hopes. He took from the nobles many caſtles they had accounted impregnable, or inacceſſible to his arms. The moſt rebellious he compelled to leave the country; others he reduced to ſubmiſſion and obedience; ſo that, after a few years of his adminiſtration in Bretagne, the whole land was repeopled; and that legal and regular liberty, which he had eſtabliſhed in his other territories, was imparted to theſe, which had ſo long been the ſeat of confuſion and oppreſſion.

V. Gemiticenſ. l. vii. c. 34. Ord. Vitak. l. iv. p. 544.

V. Neubrig. l. ii. c. 18.

But, while he was thus employed in the moſt beneficent and moſt laudable acts of royal virtue, humbling the proud, reſtraining the profligate, and protecting the feeble; Becket was buſied in writing to him letters of admonition and commination. In one of theſe he affirms, *that kings receive their power from the church*, and argues largely from this principle againſt

V. Epiſt. 64, 65, 66. l. i.

againſt the royal cuſtoms. In another he repeats ſome of the arguments uſed by Pope Paſchal the Second to King Henry the Firſt. "Who doubts (ſays he) that the prieſts of Chriſt "are to be deemed the fathers and maſters of kings and "princes and all the faithful? Is it not acknowledged to be "an inſtance of miſerable madneſs, if a ſon ſhould attempt "to hold his father in ſubjection, or a diſciple his maſter, "and by unjuſt obligations reduce that perſon under his "power, by whom he ought to believe that he may be bound "or looſed, not only in earth, but in heaven." He tells the king, "*It is written, that none ought ever to judge a prieſt but "the church; and to paſs ſentence on ſuch does not belong to hu-"man laws: that Chriſtian princes are accuſtomed to obey the "decrees of the church, not to ſet their own power above them; "to bow their heads to biſhops, not to judge biſhops.*" A.D. 1166. V. Epiſt. 65. l. i.

It is a ſentence in the decretals of Gregory the Seventh, which Becket here quotes as *Scripture*; and the whole letter is full of ſimilar doctrines, delivered with an authority, as if they had been the word of God. All the others, which he ſent to Henry at this time, were written in much the ſame ſtyle; and the purport of them was, (beſides a general expoſition of his theological principles with relation to the controverſy between him and the ſtate) to demand a full reſtitution of whatever had been taken from his church, his friends, or himſelf, with leave to return to his ſee, in freedom, peace, and ſecurity, and to do his duty there *without reſtraint*; upon which conditions he promiſed to ſerve the king faithfully, to the beſt of his power, *ſaving the honor of God, and of the Roman church, and the rights of his order.* It was not very likely that Henry would be diſpoſed to accept of his ſervice under all theſe reſtrictions, or could be perſuaded by any eloquence to grant him ſuch terms. He therefore mingled threats with admonitions and arguments, telling Henry, *that many pontifs had excommunicated both kings and emperors*; and *that he ought, like David and Theodoſius, to humble himſelf* V. 7th decret. diſt. 96. c. 9. V. Epiſt. 64. 66. l. V. Epiſt. 65. l. i.

A.D. 1166. *beneath the corrections of ſuch holy men, repent and amend.* All this was preparatory to the terrible ſentence of excommunication, which he deſigned to paſs on the king's perſon, as ſoon as the forms preſcribed by the canons of the church would ſuffer him to do it. Moſt of the Engliſh biſhops had likewiſe incurred his diſpleaſure; and though he durſt not attack them for what they had done at Northampton, becauſe of the appeal which they had made to the pope, he found other pretences to bring them under the laſh of his metropolitan juriſdiction. About this time he ſent a letter to the biſhop of Saliſbury, by which he ſuſpended that prelate from all epiſcopal functions, for having lately, againſt his and the pope's prohibition, admitted John of Oxford into the deanry of Saliſbury, in the abſence of ſome of the canons, who were in baniſhment with him, and for his ſake. He alſo annulled the election, and declared John of Oxford excommunicate, for his intruſion into that dignity, and likewiſe for his behaviour at the diet of Wurtſburg. The biſhop of Saliſbury hereupon appealed to the pope; and all his brethren in England were ſo apprehenſive of what might follow, againſt themſelves, the king, and kingdom, that they thought it neceſſary to prevent it, by a previous appeal to his Holineſs, which they notified to Becket in an eloquent letter, written in the name of the whole Engliſh clergy. This contained ſevere reproaches of his turbulent conduct, and ingratitude to the king, reminding him "how that monarch "had exalted him from a low and private ſtate to the "higheſt degree of honor, and had ſubjected to his power "all parts of his own dominions, which extended from the "northern ocean to the Pyrenæan mountains." To this he anſwered, "That, before he came into the ſervice of the "king, he had a ſufficient degree of wealth and dignity: "That David was raiſed from a lower ſtate to reign over the "people of God; and Peter, from a fiſherman, was made "the head of the church: that the latter, by ſuffering death "for

V. Epiſt. 100. l. i.

Epiſt. 126 l. i. e Cod. Vatic. See it in the Appendix.

Epiſt. 127. e Cod. Vatic. l. i. V. Append.

" for the name of Chriſt, had merited a crown in the heavens, A. D. 1166.
" and glory upon earth: That he wiſhed to do the ſame;
" for he was a ſucceſſor of Peter, not of Auguſtus: That he
" better repayed the king's favour by obtaining for him the
" divine mercy through a wholeſome ſeverity, than they did
" who flattered and made their court to him with lies. That
" he did not mean to be ungrateful; and in all offences it
" was the intention that made the guilt. That God him-
" ſelf had ſaid, " If thou doſt not declare to the ungodly his
" iniquity, and he dies in his ſin, I will require his blood
" from thy hands." In like manner he defended himſelf from
other charges againſt him, with much art and much ſpirit. But Epiſt. 108. l. i. e Cod. Vatic. in Append.
beſides this general anſwer, he wrote a particular letter to Gil-
bert Foliot, biſhop of London, whom he ſuſpected to have
dictated that which had given him ſo much offence, and vent-
ed therein all the rancour of his heart againſt that prelate.

This occaſioned a reply, which the biſhop began by deny- V. Epiſt. 126. eCod. Cotton. in Append.
ing, in the moſt ſolemn manner, the imputation caſt upon
him in both the letters above-mentioned, as if he had aſpired
to the archbiſhoprick of Canterbury, and had been irritated
againſt Becket on account of the preference given to him by
Henry in that promotion. Beſides the ſtrongeſt appeal to God,
on the falſhood of this charge, he called on the archbiſhop
himſelf to teſtify, whether, in order to obtain the ſee of Lon-
don he had made any court to him, who, by his favour with
the king, was then the ſole diſpoſer of all preferments; and,
from his not having done that he inferred the improbability of
his having applied to any miniſter, or ſhewn any ambition, to
gain the ſee of Canterbury. But he charged Becket with
having ambitiouſly deſired that dignity, and having procured
his election by the moſt violent uſe of the royal authority.
He likewiſe upbraided him with the burthens he had laid upon
the church, in his adminiſtration as chancellor, on occaſion
of the war of Toulouſe; and with having deſerted his bre-
thren in the oppoſition they had made to the conſtitutions of

A. D. 1166. Clarendon, agreeing to ſwear to the obſervation of them, *and declaring that he meant to perjure himſelf in ſo doing*; injoining them likewiſe to take the oath he had taken, and then breaking it by acts directly contrary to thoſe ſtatutes. The proceedings at Northampton in conſequence of that diſobedience are recapitulated in this letter, as they are related above; and the archbiſhop is reproached with his behaviour there, and flight from thence into a voluntary exile. And as that prelate had called on all his brethren in England to be martyrs with him, the biſhop tells him, that *it is not the puniſhment, but the cauſe which makes the martyr. That, God be thanked, there was then in England no diſpute about the faith, none about the ſacraments, none about morals. True religion flouriſhed equally in the prince, in the prelates, in all the ſubjects of the kingdom. None had joined in the ſchiſm which then divided the church. The whole contention was againſt the king, and concerning the royal authority, with reſpect to certain cuſtoms, which he aſſerted to have been eſtabliſhed in the time of his predeceſſors, and required to be kept under him.* The biſhop, having thus ſtated the nature and grounds of the controverſy, expoſtulates with Becket on the injuſtice of drawing the ſword of excommunication againſt the anointed head of the king, becauſe he would not give up theſe cuſtoms, which he had not introduced himſelf, but found inſtituted and confirmed by a long uſage of the kingdom; obſerving, "that the difficulty of pulling up any plant muſt naturally be greater, in proportion to the time it has had to take root, and ſtrike deep into the ground." He then reminds him, "that his predeceſſor in the ſee of Canterbury, Auguſtin, the firſt apoſtle of the Anglo-Saxons, had turned that nation and their king from the many evil cuſtoms eſtabliſhed among them, not by maledictions, but by gentle and friendly exhortations, which had inclined the minds of the powerful to receive good inſtructions: that John of Crema, in their own times, being ſent over from Rome, had, by the ſame methods, procured an

alteration of many cuſtoms long ſettled in the kingdom: and A. D. 1166.
that lately the king of France, had, on the birth of his ſon, by way of thankſgiving for that favour vouchſafed to him by God, and at the interceſſions of his clergy, taken off many burthens, laid upon them and confirmed by ancient uſage: none of which changes could have been effected by force or menaces." In purſuing this argument of the unfitneſs of violent, and the probability of ſucceſs by gentle meaſures, he mentions it as a thing well known to Becket, "that Henry, in the midſt of all his greatneſs, had ſuch a contempt of the world, and ſuch a ſpirit of devotion, *that he could hardly be reſtrained from retiring to a convent!*" This appears very extraordinary, and unſuitable to the temper and character of that prince; but I preſume it was rather a paſſionate and vehement expreſſion of that diſguſt, which the troubleſome ſtate of his affairs had produced in his mind, and which he may have vented to this prelate in diſcourſing upon them, than any deliberate purpoſe, or real inclination to a monaſtick retreat. The biſhop further aſſerts, "that he would, long before that time, have given up ſuch of thoſe cuſtoms as were moſt offenſive to the clergy, if two conſiderations had not hindered; firſt, the fear of its being thought diſhonorable to him, that the rights of a kingdom, which had devolved to him from his anceſtors, ſhould be impaired in his days; and ſecondly, the ſhame, that what he granted from a motive of piety, ſhould be ſuppoſed to be extorted from him by force: yet, that he had ſo far got over the firſt of theſe difficulties, as to be willing to aſſemble the clergy of his kingdom, and by their advice correct and alter ſuch cuſtoms of the realm, as ſhould be found grievous to them; if the diſturbance raiſed by Becket had not prevented the good effects of this gracious diſpoſition." But in another letter, which the clergy of the province of Canterbury afterwards wrote to the pope, it is ſaid, "that, if there was any thing in the conſtitutions of "Clarendon, either dangerous to the ſouls of men, or igno-

V. Epiſt. 128. e Cod. Vatic. l. i. in App.

"minious

A. D. 1166. "minious to the church, the king had long promiſed, and ſtill "perſiſted in promiſing, that he would correct it *by the advice* "*of his kingdom:*" which explains the paſſage above cited from Foliot's letter to Becket, as meaning, not that Henry had promiſed to ſubmit the royal cuſtoms to the judgment and correction of the clergy alone, but of them and the whole nation aſſembled in parliament. Indeed even this was a conceſſion, which, conſidering how deliberately the conſtitutions of Clarendon had been enacted, ought not to have been made; and which agrees but ill with the conſtancy he afterwards ſhewed in maintaining moſt of thoſe ſtatutes, againſt all the efforts of Becket and of the pope to ſubvert them. It is not improbable, that in making this promiſe to the biſhops he only ſought to gain time, and enable them to proſecute their appeal to the pope with more advantage, intending to elude the performance of it, or truſting that the parliament, when Becket ſhould be no longer archbiſhop of Canterbury, would, upon a reviſion, confirm, inſtead of abrogating, the greater part of thoſe laws.

In another part of the biſhop of London's epiſtle above-mentioned he recites ſome epiſtles and decrees of popes, forbidding any clergyman to ſubmit to the judgement of any ſecular court; but intimates an opinion, that, by virtue of the *unction* received at his coronation, the king was ſo ſanctified, as to be reputed, not only a ſecular, but an eccleſiaſtical magiſtrate. He alſo reminds the archbiſhop, that Pope Leo the Fourth, in a letter to the emperor, acknowledged himſelf to be ſubject to the juriſdiction of that prince, or of judges ſent from him, touching any offence he might have committed againſt his ſubjects. He then diſtinguiſhes to what eccleſiaſtical caſes the royal juriſdiction extends, and to what it does not extend: ſome things, he ſays, belong to the church by divine right, and ſome by human. Among the firſt he places eccleſiaſtical degrees and orders, with all the dignities and powers thereunto annexed, and all the ſpiritual functions

of

of the prieſthood. He ſhews from the Old Teſtament, that when the laity preſumed to intermeddle in theſe they were puniſhed for it by ſignal acts of divine vengeance. "Every prieſt, he ſays, is in theſe ſuperior to a king, as a father and a paſtor over a ſon and a diſciple. If therefore a king has offended againſt God, he ought to ſeek (after the example of Theodoſius the Great) to be reconciled to him by the intervention of the prieſthood. If prieſts accuſe each other, the judgement of this cauſe does not belong to the king, but he ought to withdraw, and go backwards, leſt he ſhould behold the nakedneſs of his father." But the biſhop adds, "that, beſides the ſpiritual, there are alſo ſome material things, which the church holds by divine right. Among theſe he reckons tithes, oblations, and firſt fruits; and concerning theſe, which the Lord has ſanctified to himſelf, and dedicated by an eternal law to the uſe of his miniſters, he denies that the royal power has any proper cognizance." But he obſerves, "that the church poſſeſſes many things by human right alone, namely, ſuch as have been granted to it, not in virtue of any precept or law of God, but by the voluntary gifts of men, which the zeal of Chriſtians had extended far beyond the limitation of the levitical portion. Kings (he ſays) and elect princes had transferred to the church their ample patrimonies; ſo that the ancient prediction to her ſons had been literally fulfilled, *ye ſhall devour the ſtrength of the nations, and in the glory of their people ſhall ye be proud.*" He makes the ſame application of ſome other texts of ſcripture, and ſeems to intimate, that the donations and conceſſions of this nature had been exceſſive and ſuperfluous; concluding, "that it is free to every man, in giving what is his own, to annex what conditions he pleaſes to the gift, provided they are not unlawful or immoral." From hence he infers the obligation of churchmen to perform all the ſervices annexed by cuſtom to their fiefs and temporal poſſeſſions. He ſays, "that the power conferred by God made his miniſters pontifs, and the power conferred by

A. D. 1166.

A. D. 1166. the king made them earls or barons. By virtue of the latter the clergy had obtained in the palace a high degree of pre-eminence, having a principal place in all trials and judgements of the kingdom, except when the queſtion was concerning life or blood: in conſequence of which they were bound, when cited by the king, to attend his court, and try cauſes, even concerning the lands which the royal bounty had beſtowed on the church; whether the conteſt was among themſelves, or raiſed againſt them by the laity: and, though in ſpirituals they were diſtinguiſhed by different degrees, in theſe temporal matters they all judged as peers to each other and to the temporal barons; and each of them was equally obliged to ſubmit to the ſentence given by all." The biſhop adds, "that from the different exerciſe of the ſacerdotal and royal powers, both of which were from God; and from the viciſſitude between theſe of judging and being judged, there aroſe a ſtrong bond of mutual affection and reverence; and each of them was intereſted to ſecure the peace of the other." He therefore praiſes Becket "for having, at firſt, ſubmitted to the ſentence of the king's court againſt him; but laments, that he ſhould have declined the judgement thereof in a pecuniary cauſe between him and his ſovereign, who *rather angrily than greedily* demanded from him his own." And, as Becket had ſaid, in the letter to which this was a reply, that an archbiſhop of Canterbury's being compelled to anſwer ſuch demands in the king's court was a novelty unheard of before, he tells him, "it was unheard of, that ever, till that time, an officer of the court had been ſo ſuddenly exalted to that ſee; that a man ſhould paſs from hawks and hounds, and other pleaſures of the court, to the ſervice of the altar, and the adminiſtration of the higheſt ſpiritual office and dignity in the kingdom." In the concluſion of his letter he admoniſhes him to call to mind, *that our Lord did not turn to Zacheus, till he came down from the ſycamore*, and exhorts him to deſcend from the height of his arrogance, that the king might turn to him, and grant

more

more to his humility, than he would to his pride, or his threats. A. D. 1166.

This is the ſubſtance of Gilbert Foliot's moſt remarkable letter, a tranſcript of which from the Cotton manuſcript is in the Appendix to this book, together with ſeveral others that were written during the courſe of this quarrel, by which the merits of the cauſe, the temper of the parties, and the abilities of the writers, may be more particularly ſeen. V. Append.

But it was not Becket's intention to combate his antagoniſts by words alone. He had now received from the pope a power to exerciſe at diſcretion eccleſiaſtical juſtice againſt thoſe who had uſurped the goods of his church, or done him or his friends any injury, if they refuſed reſtitution and ſatisfaction. His Holineſs alſo ſaid, "that, *as to the perſon of the king he gave him no ſpecial mandate; but neither would he take from him that authority which belonged to his office, as archbiſhop of Canterbury, and which he deſired to preſerve to him unprejudiced and entire.*" This Becket interpreted into an abſolute power of excommunicating Henry when he ſhould think proper, ſuppoſing perhaps, and not unreaſonably, that Alexander meant only to remove from himſelf the odium of ſuch a violent act, and throw it chiefly upon him. Nor was he afraid, or unwilling, to bear that burthen: and having already gone through the canonical forms of admonition and commination, he thought it time to paſs ſentence. About the beginning of June in the year eleven hundred and ſixty ſix, he went from Pontigni to Soiſſons, in order to viſit the ſepulchre of St. Dranſius, who was ſuppoſed to have the power of rendering invincible any champion who ſhould paſs a night at his ſhrine. Robert de Montfort, before his duel with Henry de Eſſex, had practiſed this devotion; and his good ſucceſs was aſcribed to the interceſſion of the ſaint. Here therefore Becket, adopting the popular ſuperſtition, prepared himſelf for the exerciſe of his ſpiritual chivalry, and implored the aſſiſtance of Dranſius in that perilous combat, which, as the

V. Epiſt. 119. 120. l. i.

V. Epiſt. 140. l. i.

A. D. 1166. champion of the church, he reſolved to undertake againſt his own ſovereign. One whole night did he watch before the ſhrine of this ſaint; another, before that of Gregory the Great, whom he conſidered as the founder of the Engliſh church; and a third, before the altar of the Bleſſed Virgin, his patroneſs. Having thus raiſed in the people a very high expectation of what was to follow, and, poſſibly, fortified his own heart by kindling in it a more ardent flame of enthuſiaſm, he went to Vizelay, intending there to pronounce his anathema, againſt the king, his maſter, on the enſuing Whitſunday. But, before that day came, he had a meſſage from Louis, to inform him that Henry was dangerouſly ill: on which account he was adviſed by that prince to defer the accompliſhment of this act till a more proper time. Advice from Louis was a command to one in his circumſtances. Yet, though he granted this delay to the perſon of Henry, he pronounced ſeveral ſentences of excommunication againſt his ſervants and miniſters; particularly againſt John of Oxford, for the cauſes beforementioned; againſt Richard de Ivelcheſter, archdeacon of Poitiers, for holding communion with the archbiſhop of Cologne, a favourer of the antipope; againſt Hugh de St. Clare and Thomas Fitz-Bernard, for having uſurped the goods of the church of Canterbury (that is, for having obtained the ſequeſtration of thoſe he had forfeited by his flight) and laſtly, againſt the chief juſticiary, Richard de Luci, and Joceline de Baliol, *as the favourers of the king's tyranny and the contrivers of thoſe heretical pravities, the conſtitutions of Clarendon.* He alſo condemned all thoſe laws, but more eſpecially ſix of them; excommunicated in general all perſons whatſoever who ſhould enforce or obſerve them; annulled the act of parliament by which they were confirmed, and abſolved the biſhops from the oath they had taken to obſerve them. Having thus outgone the pope himſelf, who had tolerated ſome of them, he notified what he had done to his ſuffragan biſhops, injoining them to publiſh the

V. Epiſt. 96. 138. 140. l. i.

V. Epiſt. 96. l. i.

ſentences

ſentences he had pronounced, and take care of their execution. He added, that, as yet, he had deferred to paſs ſentence on the perſon of the king, waiting to ſee whether that prince, through divine grace would repent; but, if this did not happen, he declared, he would ſoon pronounce it. A. D. 1166.

His former letters had given ſuch an alarm to the king, that he had called a great council at Chinon in Touraine, to conſult with them by what means he ſhould reſiſt the hoſtilities of this violent man, who, he told them, *deſired to deſtroy both his body and his ſoul.* The biſhop of Liſieux adviſed him to interpoſe an appeal, in his own name, to the pope; as the only meaſure which could ſtop the impending ſentence. He purſued this advice, though it was much more agreeable to the neceſſity of his affairs, than to the dignity of his crown; and ordered two of his biſhops to go to Pontigni, and notify there to Becket the appeal he had made. But they found him not; for he was then at the ſepulchre of St. Dranſius; ſo that he had no information of the meſſage they brought till he returned from Vizelay; and the king eſcaped excommunication only by ſickneſs which did not laſt very long. V. Epiſt. 140. l. i.

It is obſervable how much the conduct of Becket differed in this inſtance from that of archbiſhop Anſelm, whom in many particulars he ſeems to have made his guide and pattern. That prelate, being a fugitive, as his ſucceſſor was now, ſtopped a ſentence of excommunication which Urban the Second was going to pronounce againſt William Rufus, in the council of Bari, by falling on his knees, and interceding for the king with whom he had quarrelled, and who had ſeized his temporalities on his leaving the kingdom. This was a behaviour which became a chriſtian biſhop; but the temper of Becket could not brook any delay of his vengeance, and he thought that decency in this buſineſs was of leſs importance than diſpatch. V. Eadmer, l. ii. p. 50. See alſo l. i. of the firſt volume, p. 84.

A D. 1166. John of Saliſbury, writing to the biſhop of Exeter upon
V. Epiſt. 140. l. i. Henry's appeal to the pope, obſerves very juſtly, *That while that prince, by his ancient cuſtoms, endeavoured to aboliſh the rights of appeals to Rome, he confirmed it ſtill more, by being obliged to have recourſe to it himſelf, for the ſafety of his own perſon.* And certainly the church party had great reaſon to exult and triumph therein. But Henry, fearing that Becket, notwithſtanding this appeal, might put his realm under an interdict, which, eſpecially during his abſence, would grievouſly diſturb the peace thereof, took all poſſible care that no letters of interdict ſhould be conveyed into England, nor any obedience paid to them, if they ſhould arrive. For, he ſent over
Cod. Cotton. p. 26. Cod. Vatic. p. 169. Epiſt. 14. l. i. orders that all the ports ſhould be diligently watched, and that if any eccleſiaſtick was found to have brought over ſuch letters, he ſhould be puniſhed with mutilation of members; if any layman, with death. He alſo commanded, that if any of the biſhops, for fear of ſuch interdict, ſhould depart out of the kingdom, he ſhould not be permitted to carry any thing with him, except his ſtaff: and that all ſtudents abroad ſhould ſpeedily return into England, or be deprived of their benefices and baniſhed for ever. All prieſts, who ſhould refuſe, in conſequence of the interdict, to perform divine ſervice, were to be caſtrated; and for any rebellious act they were to be puniſhed with the loſs of their benefices.

By theſe terrors the civil power endeavoured to guard itſelf againſt that rebellion, in which the primate of England had required all his clergy to join him, *for the ſalvation of their ſouls*. Inſtead of complying with his orders, his ſuffragan
V. Epiſt. 128. l. i. biſhops, and all the clergy of his dioceſe, complained to the pope of his raſh and furious proceedings, affirming, that juſtice, peace, and the publick weal of the kingdom were the ſole objects of the king's moſt fervent deſires; and ſetting forth in ſtrong terms, how much to the detriment of the church it would probably be, if, by the intemperate zeal of Becket,

Becket, that monarch ſhould be compelled to join with the antipope. The account they give, in this epiſtle, of the proceedings at Clarendon is remarkable. They ſay, "that the "king, not from any ambition of extending the royal pre-"rogative, nor with any view to oppreſs the liberty of the "church, but from the deſire of eſtabliſhing the publick "peace, which under former kings had been obſerved by "eccleſiaſtical perſons, ſhould be produced and promulgated, "in order to prevent for the future any controverſy about "them. Whereupon *the oldeſt biſhops, and other moſt ancient "perſons of the kingdom*, being ſolemnly abjured to give their "teſtimony truly and faithfully in this enquiry, the cuſtoms "ſought for were brought forth, and publickly atteſted in "parliament by the greateſt men in the kingdom." They alſo apologiſe for the oppoſition they made at firſt to theſe laws by their zeal for the privileges of the prieſthood, "*be-"tween which and the king's zeal for the good order of his realm "a holy contention had ariſen, which they believed would, on both "ſides, be juſtified, before God, by the honeſty of his intentions.*" They conclude their letters by declaring their appeal to his Holineſs, and carrying the term of it to the aſcenſion-day of the next year. A. D. 1166.

Thus was the papal authority called in by both parties in this diſpute, to decide a queſtion which belonged to the civil power alone. But Henry, before he made his appeal to the pope, had expreſſed his indignation againſt the Ciſtertian monks of Pontigni, for harbouring Becket, by declaring to the whole order, that, if they did not expel that prelate from their houſe, he would certainly expel them from all his dominions: and as, notwithſtanding his application to Rome, he continued theſe menaces, the archbiſhop, unwilling to hurt his friends without benefit to himſelf, departed from Pontigni, where he now had reſided near two years, about the feaſt of

V. Epiſt. 129-138. Gerv. Chron. Hoveden. ſub ann. 1166.

A.D. 1166. of St. Martin in the year eleven hundred and ſixty ſix. A ſafe aſylum was given to him by the king of France at Sens, with all the aſſiſtance that compaſſion warmed by bigotry could beſtow. Henry doubtleſs judged ill in thus compelling him to remove from his former retreat; as he might be ſure that another, equally ſecure and agreeable, would be opened to him in France: for to ſeem to perſecute, and not to be able to hurt, was doubly diſhonorable to his royal dignity: nor did an act of this nature agree with the appeal he had made to the pope, who had himſelf recommended Becket to the abbot of Pontigni, and owed a peculiar regard to that order, becauſe they had loſt all their convents in the empire by refuſing to join in the ſchiſm.

V. Epiſt. 118. l. i. About a month after this change in the place of his reſidence, the archbiſhop received ſome letters from Alexander, which not only confirmed the ſeveral ſentences pronounced by

V. Epiſt. 115. l. i. him at Vizelay, but appointed him legate over all the realm of England, except the ſingle dioceſe of the archbiſhop of York, who, being legate for Scotland, could not properly be ſubjected to the legatine power of another. This legation was not given as a right annexed to the ſee of Canterbury, which ſome have ſuppoſed; but, as appears from the words of it, was a ſpecial commiſſion: and the granting it at this time was an extraordinary favour conferred on Becket, and a very offenſive act to the king of England and all the appellant biſhops. It was making that prelate judge in his own cauſe, and arming his paſſions with all the thunder of Rome. He probably owed it to the importunate interceſſions of Louis, who was more zealous for him than Alexander himſelf. But the joy this gave him was checked, while he was uſing his new authority to the no ſmall terror of his enemies, by the effects of a negociation between that pontif and Henry, of

V. Epiſt. 130. l. ii. which we have no ſatisfactory account. All we know is, that embaſſadors having been ſent from the marquis of Mont-

ferrat

ferrat to aſk one of the daughters of Henry for his ſon, they aſſured the king with great confidence, that, if they returned with ſucceſs, they would procure the depoſition of Becket from Canterbury. Henry granted their requeſt, and ſent back with them three miniſters, John of Oxford, John Cummin, and Radulph de Tamworth, who, from the court of the marquis, were ordered to proceed to that of Rome. It is very wonderful that the king ſhould ſend on this buſineſs one ſo obnoxious as John of Oxford, accuſed of having joined in the ſchiſm with the Germans, and actually excommunicated on that account, as well as for having accepted the deanry of Saliſbury againſt the pope's prohibition! What ſecret reaſons determined him to ſo exceptionable a choice it is difficult to diſcover; but the prudence of it appears to have been ſufficiently juſtified by the event: for, in ſpite of all theſe objections, John of Oxford was admitted to treat with his Holineſs, after taking an oath, that he had done nothing at Wurtſburg againſt the faith of the church, or the honor and ſervice of the pope. As for the deanry of Saliſbury, he reſigned it to Alexander, and immediately received it again from that pontif, together with abſolution. One may preſume that all this had been concerted before hand between his Holineſs and the miniſters of the marquis of Montferrat. The credentials brought by John of Oxford appearing to contain ample power from his maſter, Alexander negociated confidentially with him, and he managed ſo ably, with the help of his collegues, as to obtain for the king that two cardinals named by that prince ſhould be ſent legates *á latere*, over all his French territories, with full authority to hear and determine the cauſe of Becket, as well with Henry himſelf, as with the biſhops appellant, by a definitive ſentence. One of theſe legates was William of Pavia, Henry's particular friend. And, till theſe ſhould have determined the abovementioned cauſes, the archbiſhop was ſtrictly forbidden by the pope in any manner to diſquiet the king, or his kingdom. Moreover,

A. D. 1166.

V. Epiſt. 102. l. ii.

V. Epiſt. 7. l. ii.

V. Cod. Cotton. epiſt. Thom. Claudius, b. ii. fol. 142. See alſo the Cave manuſcript in the Bodleian library, and the tranſcript of it in the Appendix.

A. D. 1167. over, if in the interim he ſhould have paſt any ſentence againſt Henry's perſon or realm, his Holineſs declared it to be of no effect. This was indeed a ſuſpenſion, or rather revocation, of the legatine power which he had granted to Becket. And, to complete his indulgence, he aſſured the king in this letter which is dated the thirteenth of the calends of January, that the legates he had appointed ſhould abſolve all the ſervants and counſellors of that prince, from the excommunication laid upon them, though he had confirmed it before; and further granted, that if any of them ſhould be in danger of death before the legates arrived, ſuch perſon might be abſolved by any biſhop or prieſt, only taking an oath, as was uſually done in caſes of this nature, that, if he recovered, he would ſubmit to whatever the pope ſhould injoin. Thus were the hands of Becket tied, and the acts he had done at Vizelay entirely annulled by the papal authority, from which he expected the moſt cordial ſupport and aſſiſtance. So conſcious was the pope how extreamly inconſiſtent with all his paſt conduct theſe conceſſions muſt appear, that, although he allowed the king a liberty of ſhewing the letter by which he notified them to him, *in caſe of neceſſity*; yet he moſt earneſtly entreated, and ſtrictly injoined him, *not to do ſo, if it could by any means be avoided*; *but to keep it abſolutely ſecret*. And therefore the Jeſuit, who was the editor of Becket's epiſtles, has, from a concern for the honor of the papacy, left this out of the book he publiſhed from the Vatican manuſcript, as he has ſeveral others: but it is in the Cotton manuſcript of thoſe epiſtles, and alſo in the Cave manuſcript of Gilbert Foliot's letters; from which very ancient and authentick collections I have tranſcribed it into the Appendix belonging to this volume. It was a current report, that, in order to obtain theſe extraordinary favours, and the pope's diſpenſation for Geoffry Plantagenet to marry his third couſin, the heireſs of Bretagne, which John of Oxford brought with him, that miniſter had engaged, in the name of his maſter, that the diſpute

V. Epiſt. 102. l. ii.

diſpute concerning the royal cuſtoms ſhould be entirely ſubmitted to the judgement of his Holineſs; and that each of thoſe conſtitutions ſhould be annulled or confirmed at his pleaſure. We are alſo informed by a letter from the biſhop of Poitiers, who, though a ſubject of Henry, correſponded with Becket, and gave him intelligence of what paſſed in the court of that prince, that John of Oxford had been charged, by both his collegues, at their return out of Italy, with having, to gain abſolution for himſelf, exceeded his powers, and given hopes to the pope that a reconciliation might be effected between Henry and Becket, on terms which it was impoſſible for the king to accept. But whatever he did muſt have been done by Henry's orders; as he continued to enjoy the ſame degree of his favour. And what it was that he promiſed Alexander himſelf has told us. For, in a letter written by that pontif to the cardinal legates, after their departure from Rome, there is this expreſſion, "John of Oxford ſignified to me *by the letters he brought*, "that the king had publickly ſaid, *he would preſerve to his* "*clergy that liberty which they had enjoyed from the time of his* "*grandfather Henry the Firſt.*" Now in theſe words there was much ambiguity. If *from the time of his grandfather Henry the Firſt* ſignified *after that time*, it was in reality giving up what the king and the nation were moſt concerned to maintain; becauſe the church, in the reign of Stephen, had violated almoſt all the rights of the crown: but, if that date took in the reign of Henry the Firſt, then the king gave up little; becauſe moſt of the cuſtoms confirmed to him at Clarendon were then in full vigour. It appears very probable, that John of Oxford was impowered to offer ſome relaxations of the royal prerogatives, ſo as to bring them to a medium between what they had been in the time of Henry the Firſt, and the immunities which the clergy had gained under Stephen. For this was conſonant to what the biſhop of London affirmed to Becket, in the letter recited above;

A. D. 1167.

V. Epiſt. 164. l. i.

V. Epiſt. 23. l. ii.

A. D. 1167. and, ſome time afterwards, the ſame prelate in a council, or ſynod, where both the legates were preſent, made a publick declaration, *that the king releaſed the prohibition of appeals to Rome, which he had enacted for the benefit of the poor clergy, and now annulled on account of their ingratitude.* He ought to have maintained it for the dignity and indepedence of the ſtate; but he could not do that with any grace or propriety, after he had himſelf appealed to Rome. Yet, whatever conceſſions John of Oxford may have made in his name, the ſucceſs of that miniſter muſt be chiefly aſcribed to the apprehenſions of Alexander at this juncture of time. The Emperor Frederick, at the head of a formidable army, was now come into Lombardy, and threatened Rome. The terror this gave naturally added great force to the interceſſions of thoſe cardinals who favoured the king of England, and of his new ally the marquis of Montferrat, who was one of the moſt powerful princes in Italy. The buſineſs was alſo much forwarded (if Becket was not miſinformed) by the power of bribes in the court of Rome, which (to uſe an expreſſion of that prelate in one of his letters) *was proſtituted*, on this occaſion, *like a harlot for hire.* An aſtoniſhing inſtance how far that power extended, and how dexterouſly Henry's miniſters employed it to ſerve him, is, that John Cummin and Radulf de Tamworth procured and brought with them, at their return to the king, all the letters which Becket had written to the pope againſt that prince, or which other perſons had written in favour of Becket, among whom were ſome the king had never ſuſpected, biſhops of his own territories, and even officers of his houſehold. The biſhop of Poitiers, who wrote to appriſe the archbiſhop of this treachery, ſays, that Cummin pretended he had taken theſe letters from a meſſenger ſent with them to Rome by Becket; *but that it was more probable he had got them out of the Roman chancery.* He alſo tells that prelate, it was believed John of Oxford was gone into England to prepare a new charge

V. Epiſt. 6. l. ii.

V. Franciſci Pagi breviar. pont. Roman. ſub ann. 1166.

V. Epiſt. 164. l. i.

charge againſt him; and that the two other miniſters threatened him grievouſly, becauſe in ſome of the letters he had written to the pope, and which they now brought to Henry, he had called that monarch *a malicious tyrant*. His correſpondent appears much alarmed for him on account of this unhappy diſcovery; and doubtleſs it was a misfortune which muſt have given great diſquiet both to him and his friends. But before he had received any intelligence of it, or of what had been done to his prejudice by Alexander himſelf, he had found means, notwithſtanding all the vigilance of the government in guarding the ports, to get the pope's mandate, which notified his legatine power to the biſhops of his province, and a copy of the bull of legation itſelf, delivered, by a perſon unknown, to the biſhop of London, while he was officiating at the high altar, on the feaſt of St. Paul's converſion, in the year eleven hundred and ſixty ſeven. There were alſo delivered to him, at the ſame time, and by the ſame perſon, letters from Becket to him and the other biſhops of England, requiring them to obey him as legate, and ſummoning them to appear before him within forty days after the receipt of thoſe letters. Theſe the biſhop of London was commanded to deliver or ſend to thoſe prelates, together with the bull of legation, on pain of being degraded. The pope's mandate required them to compel all perſons, who, purſuant to an order from the king, had taken poſſeſſion of the benefices belonging to the clergy in exile with Becket, to a full reſtitution of them within the term of two months, under the penalty of excommunication. They were likewiſe commanded to collect Peter-pence, and pay it to ſome meſſengers whom the pope would ſend for that purpoſe.

A. D. 1167.

V. Epiſt. 130, 131. l. i.

The biſhop of London, greatly terrified, implored the king's permiſſion to comply with all theſe injunctions; but Henry would conſent to none of them, except that which concerned Peter-pence: nevertheleſs, ſo ſubjected were the biſhops of Eng-

A. D. 1167. land to the papacy, that even this prelate, the moſt attached to the perſon of the king, and moſt inclined to reſpect the royal authority, durſt not venture to diſobey the orders of the pope, or the ſummons of his legate. At this conjuncture, John of Oxford, returning from his embaſſy, arrived at Southampton, where he found the biſhop of Hereford, whom Becket had thrice ſummoned by particular letters, waiting for a wind to go to France, though he had been forbidden to pay any regard to that injunction, not only by the king's miniſters, but alſo by his letters. John of Oxford endeavoured to ſtop him in the name of the king, and, finding that ineffectual, in the name of the pope. The biſhop aſked, "if he had letters of the pope on this ſubject." He replied, "he had letters, by which his Holineſs forbad all the biſhops of England to go over to Becket, or obey his injunctions on any other point, till the arrival of the legate *à latere* deſired by the king, meaning William of Pavia, who would determine their appeal, and the more important cauſe between the king and that prelate, with fullneſs of power, and in the laſt reſort." The biſhop deſiring to ſee thoſe letters, he ſaid, he had ſent them before him to Wincheſter with his baggage. The biſhop's chaplain was diſpatched to read them there; and at the ſame time they were ſhewn to the biſhop of London, who was in that city, intending to paſs over to France, as well as the biſhop of Hereford, at the call of Becket. As ſoon as he had read them, he cried out, in a tranſport of joy, "*from henceforth Thomas ſhall be no more my archbiſhop!*" nor did Becket himſelf form a different judgement: for, being appriſed of it by the biſhop of Hereford's chaplain, he wrote to one of his clergy, who was with Alexander at Rome, "*that if theſe things were true, the pope had undoubtedly ſtrangled and ſuffocated, not him alone, but the whole Engliſh and Gallican church.*" The king of France was much incenſed. He talked of forbidding the legates to enter his kingdom, and of aſſembling all his biſhops to declare and complain to them how

V. Epiſt. 144. l. i.

V. Epiſt. 165, 166. l. i.

V. Epiſt. 165. l. i.

how ill he was uſed by the pope. Nay, he proteſted openly *that he was no leſs offended at the ſending of the legates on this buſineſs, than if Alexander had ſent them to take the crown from his head.* Yet, notwithſtanding all this fury of zeal in that monarch for the ſupport of Becket and his cauſe, an opinion that he would be ſacrificed to Henry's reſentment prevailed ſo ſtrongly in France, and ſo cooled his friends there, that ſome of the French nobility, and even of the biſhops, from whom many of thoſe, who had been driven out of England on his account, had received a liberal maintenance, turned them back on his hands: an inſtance of inhumanity and baſeneſs of mind that would hardly be credible, if we were not aſſured of it by the teſtimony of Becket himſelf, in the above-cited letter to his agent at Rome, whom he ordered to acquaint the pope with it, that means might be found to prevent theſe unhappy perſons from periſhing ſoon with cold and hunger, as ſome of them, he ſaid, had already periſhed. He alſo expreſſed his fears, "that if Alexander ſhould die, or any great "confuſion ſhould happen in Rome, the favours granted to "Henry would be transferred to his heirs, and, what was worſe, "other princes would, in conſequence of this precedent, extort "the like privileges and *emancipations* from the church; and "thus all her liberty, and all the juriſdiction and power of "biſhops, would be deſtroyed, *when there would be none to re-* "*ſtrain the wickedneſs of tyrants, who in thoſe days were wholly* "*bent to make a violent war againſt God and his miniſters, nor* "*would deſiſt, till they had reduced them, as well as others, to* "*ſervitude.*" There is likewiſe extant a letter, written at this time to the pope from a truſty ſervant in France, which tells his Holineſs, "it was commonly and confidently re- "ported, *that the king of England put all his hope in the* "*death or ruin of his Holineſs, declaring a fixed reſolution* "*never to acknowledge his ſucceſſor, unleſs he firſt ſhould have con-* "*firmed to him all the dignities and cuſtoms of his kingdom.*" The writer adds, "that if, by means of the legates now ſent to "him,

A. D. 1167.

A. D. 1167. " him, that prince could artfully obtain a delay of the cen-
" ſures, with which he had been threatened, till the deceaſe
" of his Holineſs, he would carry his point: and therefore all
" thoſe *who had the ſpirit of God*, and deſired the peace of the
" church, moſt fervently wiſhed and prayed, that the ſpirit of
" Daniel might be excited in his Holineſs, *to make him detect*
" *the frauds of Bel, and ſlay the dragon.*"

It ſeems indeed very evident, that Henry meant to avail himſelf of the death of the pope, if it ſhould happen, or of any diſtreſs which that pontif might be brought into by the emperor; and therefore ſought to gain time by the arts of negociation, and by ſuch conceſſions as he probably would not have made, if he had not hoped that he ſhould ſoon be able to revoke them, without danger to himſelf, or to the quiet of his realm. Which policy not eſcaping the penetration of Becket, he conſidered all delays as moſt hurtful to his intereſts; and this, added to the natural impatience of his temper, made the conduct of Alexander appear to him eſſentially and inexcuſably wrong. An able general, ſtopt, by the orders of his prince, from giving battle in the deciſive moment of victory, and foreſeeing the ruin of his own and his maſter's affairs from that reſtraint, could not be more diſſatisfied, or more grieved than he. But, as he durſt not quarrel with the pope, he had recourſe to ſupplications, and wrote a letter to that pontif, in a moſt extraordinary ſtyle, directly *praying to him*, and imploring his help, in phraſes of ſcripture appropriated to God:

V. Epiſt. 45. l. ii. V. Appendicem. " *Riſe, Lord, and delay no longer; let the light of thy counten-*
" *ance ſhine upon me, and do unto me according to thy mercy,*
" *and to my wretched friends who faint under too heavy a*
" *burthen: ſave us; for we periſh. Let us not be confounded*
" *amongſt men; let not our adverſaries inſult over us, yea, the*
" *adverſaries of Chriſt and the church; let not our fortune be*
" *turned into deriſion by this nation and people, becauſe we have*
" *invoked thy name to our aſſiſtance. Not unto us, O Lord, not*

" *unto us, but in the name of our Lord Jeſus Chriſt make unto* A. D. 1167.
" *thyſelf a great name; repair thy glory, clear up the honor of*
" *thy reputation, which, upon the return of that excommunicated*
" *and perjured ſchiſmatick, John of Oxford, is, by his falſe re-*
" *ports, extremely ſunk in theſe parts. God knows, I do not lie;*
" *and, if you do not believe me, enquire of thoſe in France who*
" *moſt tender your honor, who moſt deſire the welfare of the*
" *church. Clear up, I ſay, the honor of your reputation, which*
" *hitherto has flouriſhed unblamed amongſt men, which, in the*
" *midſt of all perils, has been preſerved unhurt, which, when all*
" *elſe was loſt, remained ſingly inviolate, which in all places was*
" *deemed to be ſound and illuſtrious.*" It is evident from the latter part of this very devout ſupplication, that the former was addreſſed, not to God, but to the pope. Whether it ought to be imputed to flattery or enthuſiaſm I will not decide. Thoſe times thought it no blaſphemy to give to the pope the honors of God: but that Becket was ſerious in that opinion may be doubted. However this may have been, his prayers were heard. Alexander, upon the receipt of this and other letters, which informed him of the offence he had given in France, and particularly at court, by conceſſions to Henry ſo detrimental to Becket, whom a religious zeal had recommended to the protection of Louis, was much alarmed: and though he would not recall the legates, he limited their authority within much narrower bounds, employing them rather as mediators to negociate a reconciliation between Henry and Becket, than as judges to try that prelate's cauſe; which reſtriction of their commiſſion they received on the road before they came into France. And, to take off the ill impreſſion which Louis had received, he wrote a letter to that monarch, explaining the purpoſe of this legation agreeably to the alteration now made, and deſiring him to aſſiſt the earneſt endeavours the legates would uſe for the concluding of a peace between Henry and Becket. But if this could not be obtained, he then aſked his leave to appoint that prelate apoſtolical legate in France, *if ſuch*

V. Epiſt. 27. 28. 35. l. ii.

V. Epiſt. 43. l. ii.

A.D. 1167. *ſuch a thing could be done without grievouſly offending the biſhops of that kingdom.* It does not appear, that this propoſal was reliſhed by Becket.

Soon after Eaſter, in this year, eleven hundred and ſixty ſeven, a war had broken out between Louis and Henry. The former of theſe, from the time when Becket firſt implored his protection, had ſhewn in his whole conduct a mind entirely alienated from all friendſhip to the latter, whom he conſidered as a tyrannical perſecutor of the church in the perſon of a holy archbiſhop. His converſation with that prelate, after he came into his territories, had ſo ſtrengthened this opinion, that he began to think the making war againſt ſuch a grievous offender would be little leſs meritorious than another cruſade. But the immediate occaſion of this rupture was one of thoſe quarrels, wherein the king of England was often diſagreeably engaged, by being, on account of his territories in France, a vaſſal of that crown.

Chron. Norm. Diceto imag. hiſt. Gerv. Chron. ſub ann. 1167.

William the Seventh, earl of Auvergne, had been diſpoſſeſt of that earldom, which he inherited from his father, by the arms and intrigues of his uncle: and Auvergne being a fief of the dutchy of Aquitaine, the former cited the latter to the tribunal of Henry. But the defendant had recourſe to Louis, *as the ſupreme lord of the fief*, who irregularly as it ſeems, and againſt the right of the duke of Aquitaine to do juſtice to his vaſſals in the firſt inſtance, took the cauſe into his own hands. Henry therefore, to aſſert his own juriſdiction, led an army into Auvergne, and ravaged the lands of his rebellious ſubject. Louis hereupon made an inroad into the Norman Vexin, where Henry having deſired a peaceful interview with him, they held a conference, and the latter uſed his utmoſt endeavours to terminate this diſpute, and other differences between them, in an amicable manner. But the French nobility were averſe to an accommodation, thinking it neceſſary, after the acquiſition which Henry had made of Bretagne by his treaty with Conan, to attempt the reducing of his exorbitant

bitant power in France, which broke the whole balance of the government in that kingdom. They were likewiſe apprehenſive that ſome confederates, from whom they expected aſſiſtance, would be diſguiſed and loſt, if the king of France did not act with more vigour and alacrity than he had hitherto done, in ſupport of their intereſts; and that Henry would be delivered from all the embarraſſment of his conteſt with Becket, by the cardinal legates, of whoſe coming they had now received accounts. For theſe reaſons, and from a regard to the inclinations of their maſter, which were very averſe to a peace, they laid hold of all pretences to hinder an agreement, and particularly of a diſpute about the manner of paying ſome money raiſed by Henry, for the relief of the chriſtians in Paleſtine; on which article I ſhall have occaſion to ſay more hereafter. Louis began the war by firing ſome villages on the borders of Normandy; whereupon Henry aſſaulted, took, and burnt to the ground the caſtle of Chaumont, which, being the ſtrongeſt fortreſs in the French Vexin, and the chief magazine wherein Louis had depoſited all his ſtores for the war, with his military cheſt, the loſs of it was a moſt ſenſible blow to that prince. In revenge, he burnt the town of Andeli ſur Seine, and ſome others of leſs note; but while he performed theſe exploits, more deſtructive than glorious, Henry took by ſtorm the caſtle of Finnel; and the war continued till Auguſt, when Louis, being unable to carry it on with any vigour, for want of the ſtores and money he had loſt, conſented to a truce, which was to laſt from that time till after the Eaſter holy days of the following year. Many reaſons of prudence might incline the king of England to think this armiſtice more deſirable than a continuance of the war, even with all the advantages he had gained; and particularly the ſtate of his affairs in Bretagne. For Guinomar, ſon to the viſcount of Leon, and brother-in-law to Earl Eudo, having been excited by Louis, and encouraged by an aſſurance of ſupport from that monarch, began to be factious in that A.D. 1167.

A. D. 1167. country, and drew to his ſtandard ſome diſcontented nobles. Henry availed himſelf of the truce concluded with Louis to cruſh this inſurrection, before it could riſe to any dangerous height; and making a ſudden incurſion into the county of Leon, deſtroyed the caſtle of Guinomar, with other fortreſſes that belonged to the friends of the viſcount, which compelled him to ſubmit, and give hoſtages to the king for his future fidelity. Rebels, who act with a dependence upon aid from great kings againſt the arms of their ſovereigns, are often ſacrificed in this manner to the neceſſities or the intereſt of their royal protectors.

While Henry was employed in ſuppreſſing this revolt, he received an account of the death of his mother Matilda, the greateſt lady that Europe had ever ſeen, empreſs of Germany by her firſt marriage, counteſs of Anjou, Touraine, and Maine by her ſecond, and, by the will of her father confirming her claim from hereditary right, dutcheſs of Normandy and queen of England. Yet ſhe was more truly great in the latter part of her life, when ſhe acted only as a ſubject under the reign of her ſon, than at the time when ſhe beheld King Stephen her priſoner and England at her feet. The violence of her temper, and pride inflamed by ſucceſs, had then diſhonored her character, and made her appear to her friends, as well as to her enemies, unworthy of the dominion to which ſhe was exalted: but from the inſtructions of adverſity, age, and reflexion, ſhe learned the virtues ſhe moſt wanted, moderation and mildneſs. Theſe, joined to the elevation and vigour of her mind, wherein ſhe had always ſurpaſſed her ſex, enabled her to become a moſt uſeful counſellor and miniſter to her ſon, in the affairs of his government, which, for ſome time paſt, had been her ſole ambition. There is not in all hiſtory another example of a woman who had poſſeſt ſuch high dignities, and encountered ſuch perils for the ſake of maintaining her power, being afterwards con-

tent

tent to give it up, and, without forſaking the world, to live quietly in it; neither mixing in cabals againſt the ſtate, nor aſpiring to rule it beyond that limited province, which was particularly aſſigned to her adminiſtration! Such a conduct was meritorious in the higheſt degree, and more than attoned for all the errors of her former behaviour. A. D. 1167.

The laſt publick affair in which ſhe took any part was a mediation between her ſon and Becket, which the pope injoined her to undertake, *for the remiſſion of her ſins*. When that prelate was informed of her having received this injunction, he ſent meſſengers to her with a very artful letter, in which, after great encomiums upon her charity, piety, and zeal for religion, he made his complaints, "that her ſon had "afflicted the clergy of his realm in an intolerable manner, "and had exacted from them ſome things *unheard of, and un-* "*accuſtomed.*" But being ſenſible that he could not make good this aſſertion, he immediately added, "that, *if ancient* "*kings had acquired prerogatives of that nature, they ought not* "*to have done it. What* (ſays he) *will it profit the king your* "*ſon before God, if he tranſmits his ſins to his heirs, and con-* "*ſtitutes them, as it were by his teſtament, adverſaries of God* "*and his church? Or what does it now profit his anceſtors, if* "*he, taking occaſion from their evil practice, offends God by a* "*kind of hereditary right? Other ſervices ſhould have been done,* "*and other gifts have been offered, to appeaſe the divine wrath,* "*and for the ſalvation and redemption of the ſouls of his fore-* "*fathers. God is not pleaſed with ſacrifices from rapine. It* "*might as well be ſuppoſed that a father would be pleaſed to have* "*his ſon offered up in ſacrifice to him.*" After theſe expoſtulations with Matilda, which were admirably well calculated to deter her from inſiſting on the antiquity of thoſe rights that were in diſpute, the archbiſhop invites the king, her ſon, to repentance, with a gracious promiſe of mercy; but yet he ſays, V. Epiſt. 42. l. ii. V. Epiſt. 52, 53. l. i.

A. D. 1167. ſays, " *that God has drawn his bow, and will ſpeedily ſhoot from* " *thence the arrows of death, if princes do not permit his ſpouſe,* " *the church, for the love of whom he had deigned to die, to re-* " *main free, and to be honored with the poſſeſſion of thoſe pri-* " *vileges and dignities, which he had purchaſed for her with his* " *blood, on the croſs.*"

Whoever has read the Goſpel muſt be aſtoniſhed to hear, that an exemption for clergymen from all civil juſtice was *one of the privileges purchaſed by the blood of Chriſt for his church!* But Becket having, agreeably to the doctrines of Rome, inculcated this to the empreſs, proceeded to inform her, " that it was her duty to uſe the care of a mother, *and* " *the authority of a queen*, in reclaiming her ſon; *as it was* " *ſhe who had, with many labours, acquired for him his king-* " *dom and dutchy of Normandy, and tranſmitted to him, by* " *hereditary ſucceſſion, thoſe rights and royal prerogatives, which* " *were now made the occaſion of the church being oppreſt* " *and trod under foot, innocent perſons proſcribed, and the poor* " *intolerably afflicted.*" Matilda had not, for ſome time, been uſed to hear, *that ſhe had over her ſon the authority of a queen*, nor *that her labours had acquired for him his kingdom and dutchy of Normandy.* That both theſe propoſitions were falſe in fact, the archbiſhop and ſhe herſelf muſt have perfectly known: but he thought they would ſound agreeably in her ears; and it imported him to render her favourable to him in this negociation. He concluded by aſſuring her, " that, on his part, he would willingly do what he could for the " ſalvation of her and her ſon, perpetually imploring the mercy " of God for them both; *but he ſhould pray with more con-* " *fidence, if the king, by reſtoring peace to the church, would* " *ſpeedily and devoutly return to God, his maker and benefactor.*"

V. Epiſt. 52. l. i. ut ſupra.

As ſoon as Henry was informed that the mediation of his mother was deſired by the pope in this affair, he apprehended that her piety might be ſeduced or alarmed by the miſrepreſentations

ſentations of the nature of the queſtion; and therefore ſent John of Oxford to caution her againſt the arts of Becket. By him ſhe was told, "that every thing done by that prelate "had been done *out of pride and the deſire of dominion*; and "that the eccleſiaſtical liberty, which he endeavoured to "maintain, was uſed by the biſhops, *not to the benefit of their "own or other men's ſouls, but to the encreaſe of their wealth*; "*the crimes of delinquents accuſed in the ſpiritual courts not be-"ing puniſhed by the proper penances, but by pecuniary mulcts.*" He added ſome reflexions upon the conduct of Becket, for having affected to gather about him the children of noblemen, who were bred up to learning under his inſpection, inſtead of religious perſons; and gave a very ſcandalous name to thoſe youths, which the writer of the letter, from whence I take theſe particulars, ſays, *he did not think fit to be mentioned*. This was certainly a moſt unjuſt and malignant defamation of not only an innocent but laudable act. The young noblemen, thus taught in the archiepiſcopal palace, were probably deſigned for holy orders; and the ſuperintending of their ſtudies was very ſuitable to the character of a learned archbiſhop, whatever offence it may have given to the monks, or inferior ſecular clergy, who deſired, if poſſible, to exclude all the gentry from learning, and to confine to themſelves all preferments in the church. To argue from thence (as John of Oxford did to Matilda) that Becket was not really a friend to the church, was very uncandid; and to impute his familiarity with theſe youths to a foul and unnatural paſſion (if that was meant by the ſcandalous appellation given to them) was cruel ſlander. For I do not find the leaſt hint of ſuch a ſuſpicion againſt him, in any other letter or writing of thoſe times. But another accuſation thrown out by John of Oxford, in his diſcourſe with Matilda, may have been not ſo ill founded; namely, *that Becket conferred eccleſiaſtical dignities, merely with a view to ſerve himſelf, and not to ſerve God, even upon perſons whoſe characters were notoriouſly vile*. This he might do: for whoſoever

A. D. 1167. V. Epiſt. 53. l. i.

V. Epiſt. 53. l. i.

V. Epiſt. 53. l. i.

A. D. 1167. whoſoever makes himſelf the head of a faction muſt conſider abilities more than morals, and reward zeal for the cauſe, which is frequently ſtrongeſt in thoſe who have no other merit, with the moſt diſtinguiſhed marks of favour. The empreſs was likewiſe informed, that the archbiſhop had not fled out of the kingdom on account of the royal cuſtoms, but of the pecuniary cauſe between him and his maſter. And moſt of theſe accuſations were confirmed to her by others who came from her ſon, as well as by John of Oxford. It appears from a letter, ſent to Becket from one of his agents in this buſineſs, that ſhe was much incenſed againſt him, and, in diſcourſing with them, complained of the biſhops for ordaining men without titles, which brought into the church a multitude of indigent perſons, who, being led by want and idleneſs into all ſorts of crimes, were protected from puniſhment by the eccleſiaſtical privileges, and could not be reſtrained by the fear of deprivation, having no benefices to loſe, or of being impriſoned by the biſhops, who, in moſt caſes, choſe rather to diſmiſs them with impunity than to keep and feed them in their jails. She alſo blamed the evil cuſtom of allowing pluralities, even as far as ſeven benefices to the ſame perſon, and of taking great ſums of money, as commutations for the penance due to offences. Becket's agent himſelf acknowledges, *that theſe complaints were well founded*, and exhorts him to teſtify his diſapprobation of them, by words and deeds. Particularly he deſires him, if he wrote again to the empreſs, to expreſs it to her: but I do not find that the archbiſhop paid any attention to this honeſt exhortation. Indeed he could not do ſo, without allowing, that Henry's endeavours to reform ſuch grievous abuſes were neceſſary and laudable.

V. Epiſt. 53. l. i.

V. Epiſt. 53. ut ſupra.

In one of theſe conferences with the perſons employed by Becket, Matilda ſaid, "*that the king had concealed from her* "*all his intentions and counſels with relation to the church, be-* "*cauſe he knew ſhe was inclined to favour the clergy.*" If this was

was true, it is a very remarkable proof of the caution and reſerve, with which he truſted even thoſe who had the moſt of his confidence: a part of wiſdom very neceſſary at all times to a prince, and particularly ſo to him in this inſtance, if Matilda ſpoke her real thoughts to the agents of Becket. For, when the conſtitutions of Clarendon were read and explained to her, ſhe expreſſed a diſapprobation of moſt of the articles, and blamed the king for having put any of thoſe cuſtoms *in writing*, and for having inſiſted that the biſhops ſhould *ſwear* to obſerve them; becauſe his predeceſſors had not thought that theſe precautions were neceſſary. To account for this difference between her ſentiments and thoſe of her ſon on this point, it may be ſufficient to obſerve, that ſhe was now drawing very near to the end of her life; and that probably the pope, before he injoined her to mediate in this diſpute, had taken care, that ſhe ſhould know his opinion of thoſe cuſtoms. A.D. 1167.

After much diſcourſe with Becket's agents, ſhe preſſed them to tell her, what they thought might be a foundation for her to proceed upon, in negociating a peace between her ſon and the church. One of them propoſed to her, "*that*, "*without any promiſe or written laws, the ancient cuſtoms of the* "*kingdom ſhould be obſerved, with ſuch moderation, as that* "*neither the liberty of the church ſhould be taken away by the* "*ſecular judges, nor the biſhops abuſe it, as he acknowledged* "*they had done:*" and to this ſhe aſſented. What Henry ſaid to it we know not: but, if we may judge of his ſentiments from a letter he wrote at this time to the college of cardinals, he was far from deſiring a reconciliation with the church, upon terms ſo different from the ideas on which he had acted, and liable to ſo much diſpute for the future. For there he declares, with all the ſpirit belonging to his character, "*that* "*while he had life, he would not ſuffer the leaſt diminution of thoſe* "*rights of the crown and cuſtoms of the realm, which his illuſtri-* "*trious predeceſſors had enjoyed and maintained, in the time of holy* "*Roman*

V. Epiſt. 53. ut ſupra.

V. Epiſt. 41. l. ii.

A. D. 1167. "*Roman pontifs.*" And the utmoſt advance he makes is a general promiſe, "that if, after having heard what he had to "alledge in vindication of himſelf, the pope ſhould be of "opinion, that he had done wrong or gone too far in any par- "ticular, he was very willing to do whatſoever might be pro- "per, *as he ſhould be adviſed thereupon, by his clergy and ba-* "*rons, agreeably to the cuſtoms, the dignities, and the majeſty of* "*his kingdom.*"

This was keeping the affair in the hand of the parliament, and even tying them down, in any counſel they ſhould give him, to a conformity with his laws and royal prerogatives. He farther added, "that, *if any perſon ſhould attempt to ob-* "*ſtruct thoſe laws and prerogatives, or anywiſe derogate from* "*them, he ſhould eſteem him a publick enemy and manifeſt traitor* "*to the kingdom.*" There is alſo a letter written by Matilda to Becket, after ſhe had begun to negociate with her ſon, and knew his mind, in which ſhe affirms to that prelate, and bids him reckon upon it, as a moſt certan truth, "*that it would be* "*impoſſible for him to regain the king's favour, unleſs by great* "*humility and moſt evident moderation.*" It appears by an- other letter, that the archbiſhop of Rouen was joined by Alexander in this mediation with the empreſs; and that Henry, in his anſwer to that prelate's exhortations, had com- plained of Becket, as having acted againſt his perſon and kingdom *in a very iniquitous, inſolent, ſeditious, and rebellious manner: moſt wickedly endeavouring to defame his reputation, and, as far as he could, to diminiſh the dignities of his realm.* But the negociation was ended by the death of Matilda. On the tenth of September, in the year eleven hundred and ſixty ſeven, ſhe died at Rouen, to which city ſhe had been a muni- ficent benefactreſs, having built there a ſtone bridge, which was accounted one of the nobleſt works of that age: the river Seine, which it traverſed, being deep and broad in that place, and the tide flowing with great ſtrength. Her bounty was likewiſe diſplayed in many pious and charitable donations, ex- ceeding

V. Epiſt. 42. l. ii.

V. Epiſt. 44. l. ii.

V. Chron. Beccenſ ſub ann. 1167. Diceto imag. hiſt. ſub eo- dem anno. See alſo An- tiquités de la Ville de Rouen.

ceeding thoſe of any king contemporary with her in the whole chriſtian world. Nor yet was ſhe ſatisfied with the acts of publick ſpirit and charity done in her life-time, but left by her will large ſums of money to lepers and other poor people, as well as to convents and churches; which her ſon paid, with a moſt exact and honorable fidelity, according to her directions. When he had acquitted himſelf of that duty, and ſeen her body interred, as ſhe had deſired it might be, in the abbey of Bec, he ſought a remedy for his grief by renewing his attention to publick buſineſs. A. D. 1167.

The earldom of Mortagne, which had deſcended from King Stephen to his younger ſon William, was, on the deceaſe of that monarch, conſidered as an eſcheat, and granted by Henry, in the year eleven hundred and ſixty nine, to his own youngeſt brother, who dying without iſſue, in the year eleven hundred and ſixty four, this great fief was reannexed to the demeſne of the dukes of Normandy, from which it had been formerly granted to Stephen by King Henry the Firſt. But the earl of Boulogne, who had married the daughter of Stephen, claimed it in her right. The queſtion was whether the fief was heretable by females: for all were not ſo at this time. But the cuſtom of making them ſo being now become general, the pretenſion of this prince was ſuppoſed to be equitable, and ſtrongly ſupported by his brother, the earl of Flanders. Whether they made their demand immediately after the death of William Plantagenet, or not till the year eleven hundred and ſixty ſix, when, the affairs of Henry being more embarraſt, he could leſs ſafely reſiſt an application of this nature, I cannot diſcover: but it appears that they preſſed it during the courſe of that year, and alſo another pretenſion of the earl of Boulogne to ſome revenues in England, which, as he aſſerted, belonged to him *by ancient right*. Theſe muſt have been the grants made by William the Conqueror to Euſtace earl of Boulogne; and

V. Epiſt. 44. l. i.

A.D. 1167. as Stephen had poſſeſt them by virtue of his marriage with the daughter of Euſtace, ſo his daughter, to whom the rights of her mother had devolved, might give her huſband a title to them indiſputably good. But it is probable that King Henry, upon the death of her brother, and while ſhe was ſtill in her convent, had given them to ſome baron, whom he was unwilling to deprive of them upon her quitting the veil. Whatever his reaſons may have been, he rejected the demand of the earl of Boulogne, both with relation to theſe, and to the earldom of Mortagne; which ſo exaſperated the two brothers, that they jointly formed a deſign of invading his kingdom, while he was detained on the continent, and neceſſitated to employ a great part of his ſtrength in ſuſtaining the war againſt Louis. Six hundred veſſels were prepared by the earl of Boulogne, to carry over into England an army of Flemings; and I doubt not that the plan of this invaſion was concerted with the kings of France and of Scotland, and with the princes of Wales. Perhaps too they might count upon the intended excommunication of Henry by Becket, and upon the interdict with which he threatened the realm; from whence it was probable ſuch inteſtine commotions might ariſe, as would greatly favour their purpoſe. It has been mentioned before, that the cloſe alliance of Henry with the earls of Flanders and Boulogne was one of the reaſons that made him not very ſolicitous, in the firſt years of his reign, to re-eſtabliſh the maritime power of his kingdom, which had declined under Stephen; as he thought it certain that their ſhipping would on all occaſions be employed rather to ſerve than annoy him. But there is no permament ſafety in any reliance on a foreign defence, eſpecially if it produces or encourages a neglect of any neceſſary part of the national ſtrength. This Henry now experienced; and he might have ſuffered extremely by the low ſtate of his navy, if the number and diſcipline of his Engliſh militia had not ſupplied that defect. Richard de Luci, as grand juſticiary, and guardian of

See the foregoing book, p. 172.

of the realm in the abſence of the king, commanded theſe forces; the earl of Leiceſter, at this time, being diſabled from acting, by an ill ſtate of health, which not long afterwards cauſed his death. By the care and conduct of Richard, all the coaſts were ſo covered with large bodies of ſoldiers, whom the laws of thoſe times had trained to arms, and enabled the crown to call forth, upon any emergency, for the defence of the kingdom, that the two earls were deterred, notwithſtanding the ſuperiority of their maritime forces, from attempting to land. Yet Henry, in all whoſe counſels reſentment yielded to policy, being apprehenſive that their enmity might hurt him on the continent, and encourage the king of France to continue a war, which he deſired to end, offered the earl of Boulogne, in lieu of all claims, an annual penſion of a thouſand pounds ſterling, which in thoſe days was equivalent to one of fifteen thouſand in theſe. Both the brothers hereupon declared themſelves ſatisfied; and the earl of Boulogne obliged himſelf, by the conditions of the treaty, to ſerve the king as his vaſſal; the penſion he was to receive being conſidered as a *benefice*, which required from him a return of homage and fealty. Theſe ſtipulations were in reality of much the ſame purport with the *ſubſidiary treaties* of our times. And certainly, though it is dangerous and impolitick in a government, to truſt its defence and ſecurity to foreign forces *alone*, or to place its *chief dependence* upon any aids from abroad; yet to corroborate and encreaſe the ſtrength of a nation by treaties of this kind with foreign powers, has ever been eſteemed an act of good policy, and practiſed by ſtates the moſt renowned for their wiſdom and military virtue. The kings of England particularly, even thoſe of the higheſt ſpirit and moſt warlike diſpoſitions, have continually done it, from the earlieſt times. But they took great care that the payment of theſe ſtipulated penſions to foreign princes ſhould not be conſtrued to imply any *dependence* on thoſe to whom they gave them; but ſhould appear to be an act of political prudence, in

A. D. 1167.

Gerv. Chron. ſub ann. 1167.

Epiſt. 44. l. ii.

See P. Daniel Hiſtoire de la Milice François, t. i. l. iii. p. 146, 147.

A D. 1167. which, though the intereſt of both the contracting parties was conſidered alike, yet *the ſuperiority* was ſuppoſed to be on the ſide of *the giver*. William of Malmſbury tells us, that King Henry the Firſt, when Robert the Second, earl of Flanders, arrogantly demanded of him a penſion, or annual ſubſidy, of three hundred marks, which the earl's father had received from William Rufus, returned this anſwer, "that "the kings of England were not accuſtomed to pay *tribute* "to the Flemings; nor would he, through fear, bring a ſtain "on the independence and liberty of his crown, which his "predeceſſors had maintained. If therefore the earl would "truſt to his inclinations, he would, when he found occaſion, "*give to him*, as to a relation and a friend; but any *demand* "of this nature ſhould be abſolutely refuſed." This was a declaration agreeable to the wiſdom and dignity of that king; but, having ſhewn a proper ſpirit in reſiſting the claim, he afterwards followed the policy of his father and brother, in attaching to himſelf, by a ſubſidiary treaty, the maſter of a country, which was ſo conveniently ſituated either to aſſiſt or annoy the realm of England.

V. Malmſb. de Hen. I. l. v. f. 90.

See Rymer's Fœdera, v. i.

Similar meaſures were taken by King Henry the Second. In the year eleven hundred and ſixty three he concluded a treaty with Theodorick earl of Flanders, and Philip, his ſon; by which they agreed to become vaſſals to him and his ſon, the heir apparent of his crown, in conſideration of a yearly penſion of five hundred marks; four hundred of which were to be paid to Theodorick, and, after his death, to his ſon; and one hundred to his conſort, the counteſs of Flanders, who was aunt to King Henry: but, in caſe of her death, the whole ſum of five hundred marks was to be paid to the earl. This penſion is declared by the words of the treaty to be *a feudal grant*; and, in return for it, beſides the homage and fealty, which the earl and his ſon were obliged to, they particularly promiſed, that they would faithfully aſſiſt the king and

Ibidem, p. 25. See it alſo in the Appendix to this book.

and his ſon to maintain and defend the kingdom of England againſt all perſons whatſoever; only with a reſerve of their fealty to Louis their ſovereign: and that, in caſe of an invaſion of the ſaid kingdom by any other foreign power, or of any conſiderable rebellion within it, the one or the other of them would come to the aſſiſtance of the king and his ſon, *with a thouſand knights, or military tenants, each of whom* (as appears by one article of the treaty) *was to bring with him three horſes.* The term of their ſervice was not limited to any number of days, but was to be regulated by the neceſſity which called them over. And they were bound, if required, to take an oath to the king, upon their arrival in England, that they would be true to his ſervice. The king, or his ſon, was to find ſhips to bring them over and carry them back into Flanders, and was to maintain them the whole time of their abode in England, and indemnify them for all loſſes ſuſtained by them there, in the ſame manner as was cuſtomary with reſpect to the knights of the king's own houſehold. Certain caſes were mentioned, in which the earl and his ſon were to be freed from the obligation of coming over to England and ſerving in their own perſons; but no exception was ſpecified with reſpect to the troops, which, even in caſe of an invaſion from the king of France, were to be ſent into England, when ſummoned by Henry, and to be ready to embark within forty days after the ſummons were received. The earl and his ſon were to uſe their utmoſt endeavours, by counſels and entreaties, to hinder the king of France from invading England in perſon; but if he ſhould invade it, and bring over with him either the earl or his ſon, they promiſed to come with as few of their own forces as they poſſibly could, without incurring a forfeiture of the fief they held of the French crown. A. D. 1167.

By another article of this treaty, any vaſſals of Flanders were permitted to ſerve the king of England or his ſon; and a free paſſage was allowed to them from the ſeveral ports of Flanders, or of the earldom of Boulogne.

Theſe

A. D. 1167.

These were the principal articles relating to England. There were others by which the earl of Flanders and his son engaged likewise to bring some cavalry to the king or the prince, in Normandy or in Maine, upon terms somewhat different, which it will not be necessary to particularise here. The whole was formed upon the plan of a subsidiary treaty, or convention, made in the year eleven hundred and one, and renewed two years afterwards, by King Henry the First, with Robert the Second, earl of Flanders. A transcript of it from Rymer's Fœdera is inserted in the Appendix belonging to this book, as it contains many things, which, to the curiosity of an antiquary, may be worthy of notice.

See Rymer's Fœdera, v. i.

While these affairs were transacting on this side of the Alps, Pope Alexander had in Italy experienced two great revolutions of fortune. The emperor's arms, in the spring and summer of the year eleven hundred and sixty seven, had been so successful, that he had entered Rome as a conqueror, and had caused himself and the empress to be crowned by the antipope, on the thirtieth day of July, in the church of St. Peter; Alexander having been forced to yield to his competitor the Lateran palace, and fly to Beneventum. But, on the second of August, the imperial army was attacked by a pestilential fever, caused by the bad air of Rome, which at that season of the year is mortal to strangers, especially after rain, a great quantity of which then happened to fall, and was immediately succeeded by violent heats. The distemper raged with such violence, that in six or seven days the emperor lost the greatest part of his forces, and almost all the nobility that attended him in this expedition, among whom was his chancellor, the archbishop of Cologne; his cousin-german, the duke of Rotenburg, who was son of the late emperor, Conrade the Third; and several other great princes and counts of the empire. To save the remains of his army, he was obliged to retire from Rome and the Campania; but the contagion pursued him: two thousand died

V. Annales Baron. 1167. & Francisci Pagi Breviar. pontif. OthoMurona, sub eodem anno, et Chron. apud Murat. V. etiam Chron. Trivet. sub eodem anno.

on

on their march, before he could get into Lombardy: and most of thoſe who ſurvived continued for ſome time in a ſick and languid condition. This ſudden calamity, which Becket, in a letter to Alexander, compares to the deſtruction of the Aſſyrian army under Sennacharib, gave ſuch a weight to the ſentence of excommunication and depoſition which that pontif ſoon afterwards pronounced againſt the emperor, that moſt of the cities in Lombardy revolted from him; and Rome itſelf would have returned under the power of Alexander, if the hoſtages given to the emperor by the principal citizens had not reſtrained the ſenators from admitting him within the walls. A.D. 1167. V. Epiſt. 22. 65. 89. l. ii. V. Epiſt. 66. l. ii.

Such was the ſtate of affairs in Italy, about the time when the legates, ſent by Alexander to Henry on Becket's affair, came into France. They had ſet out from Rome at the beginning of January, but did not arrive at Montpellier till the end of October in the year eleven hundred and ſixty ſeven, having, in order to avoid the emperor's troops, or from other ſecret reaſons, been much delayed in their journey. On their coming into France, Cardinal William of Pavia wrote to Becket a very civil and amicable letter, excuſing ſome appearances in his paſt conduct, which that prelate might have ſeen in diſagreeable lights, by the neceſſity he was under of endeavouring to gain ſuch a credit with the king, as might render his interceſſions for peace more effectual. To this Becket wrote an anſwer ſo rude and offenſive, that John of Saliſbury, to whoſe inſpection he thought proper to ſubmit it before it was ſent to the cardinal, frankly told him, "that in his judgment, *a courier of "the pope ought not to have received ſuch language from him*; "and that, if the cardinal were to ſend both letters to the "pope, *his own writing would convict him of the charge of "rancour and contumacy brought againſt him by the king.*" Whereupon he wrote another, and then a third, which he likewiſe ſubmitted to the corrections of his friend; but ſtill there remained ſuch a bitterneſs and virulence in the ſtyle, that V. Epiſt. 9. l. ii. V. Epiſt. 19. l. ii. V. Epiſt. 20. l. ii. V. Epiſt. 10, 11. l. ii.

A. D. 1167. John of Saliſbury expreſſed himſelf much diſſatisfied with them, and compoſed one for him, which was probably ſent to the legate. He himſelf wrote another, full of the groſſeſt adulation, to Cardinal Otto, the collegue of William of Pavia, who, he thought, was leſs his enemy, though not much his friend. Notwithſtanding the notoriety of his being diſpleaſed with the legation itſelf, as unneceſſary and hurtful to his affairs, he told this legate, "that *upon the news of his coming the "whole congregation of Chriſt's baniſhed flock triumphed with "joy and thankſgiving: as if an angel had been ſent down from "heaven to comfort the church and free the clergy:* and that, "although his collegue was ſuſpected by many, as a favourer "of the king, and capable of being corrupted to the ruin of "the church; yet it was believed, *that he, with Moſes, had the "angel of the Lord, that is, the holy ſpirit, going before him in "the law, who would always protect him, and not ſuffer him to "have another God, or to prefer either rewards, or perſon, or "cauſe, to the divine word.*" In another part of this letter Becket expreſſes a hope, that the ſuſpicions conceived of William of Pavia might be falſe, and that his intimacy with Henry might turn in the end to the deliverance of the church, the ſalvation of the king, and the glory of God: but cautions both the legates *not to put any confidence in thoſe falſe prophets, thoſe Balaams, the Engliſh biſhops*; and tells Cardinal Otto, that he believes him to be "the man of God, ſent into England "to relieve the deſolate Shunamite, *and cure the powerful Syri-"an of his leproſy; but at the ſame time to inflict on the Gehazis "who followed him the puniſhment they deſerved.*" And, among the effects which he expected from the *recovery* of Henry, he mentions *a full reſtitution of all that had been taken from himſelf and his friends, with ſecurity and favour to them, and liberty and peace to the church:* adding, "*that it was to be hoped from "the penitence of the king, that he would not contend any longer "for the maintenance of his cuſtoms, which the pope had con-"demned with the unanimous conſent of the cardinals; nor re-*

"*quire*

V. Epiſt. 25. l. ii.

V. Epiſt. 18. l. ii.

" *quire any oaths, which could not be kept without violating the* A. D. 1167.
" *catholick faith and religion.*"

All theſe things were thrown in to make the cardinals ſenſible of the inutility of attempting, by any gentle methods, to mediate a reconciliation between him and the king, who they might be ſure would not yield to ſuch demands. And, as William of Pavia had ſaid, in the letter he ſent to him, that he was come, with his collegue, *to determine the queſtions between him and the king of England*, he took great umbrage at theſe words, and wrote therepon to the pope, " that, from " the tenor of the letters which he and the king of France " had received from his Holineſs, he had rather expected the " conſolation of peace, than *the confuſion which would ariſe* " *from the deciſion of queſtions between him and the king of Eng-* " *land.*" He likewiſe ventured to ſay, " that the cardinal " abovementioned was not a perſon to whoſe authority or " judgement in this cauſe he ought to be ſubject; *it being con-* " *trary to all juſtice, that he ſhould ſubmit to be tried or ex-* " *amined by one who ſought to traffick with his blood.* Where- " fore he entreated his Holineſs, that he would at leaſt annul " the authority of this legate ſo far, as it had any relation to " him or his cauſe." This requeſt was partly founded upon a report, or ſurmiſe, which then prevailed, that the ſee of Canterbury was promiſed to William of Pavia, if the depoſition of Becket ſhould by his means be effected. Whatever truth there might be in that ſurmiſe, which certainly does not ſeem probable, Henry's eager deſire that he ſhould be nominated for the determination of this cauſe, and his known attachment to that prince, were reaſons ſufficient to juſtify the archbiſhop in excepting againſt him as a judge. But ſince there was no likelihood that Alexander, to whom he had done many ſervices, ſhould revoke the commiſſion he had given him, theſe complaints and declarations of ill humour in Becket could do that prelate no ſervice, but might anger the pope, and render the conditions of that reconciliation, which this

V. Epiſt. 22. l. ii.

A. D. 1167. cardinal was employed to mediate for him, ſtill leſs advantageous.

V. Epiſt. 24. l. ii. The two legates, in a joint anſwer, which they made to his letters, expreſſed themſelves much diſſatisfied at his loading their negociation with ſo many difficulties, which they thought inſurmountable; and plainly told him, that the inſiſting on ſuch points at this time, particularly on the reſtitution of all that had been taken from him and his followers, would be very imprudent, and was what, without the knowledge and conſent of the pope, they would by no means agree to. After many peeviſh and affected delays on his part, they had had a conference with him, on the nineteenth of November, in the year eleven hundred and fifty ſeven, at Planches, a town of the French Vexin. On their return into Normandy they ſent the pope an account of what had paſſed in that meeting. In this letter

V. Epiſt. 28. l. ii. they ſay, "that upon their arrival in King Henry's dominions, "they found the difference between him and Becket much "more inflamed than they wiſhed: for he himſelf and the "better part of his court affirmed, that the archbiſhop had "vehemently excited the king of France againſt him, and "had alſo induced his relation, the earl of Flanders, who be-"fore had been void of any rancour towards him, to defy him "on a ſudden, and do all that was in his power to make war "upon him; as he certainly knew, and as, by evident indi-"cations, was ſufficiently apparent." They then proceed to acquaint the pope, "that, in their firſt audience of Henry, "they delivered into his hands the letter they brought, "which having read and conſidered, and finding them leſs "ſatisfactory to him than ſome others, which his Holineſs "had ſent him before, on that affair, he ſhewed great indig-"nation; and the more, becauſe, as he told them, he un-"doubtedly knew, that ſince their departure from Rome the "archbiſhop had received letters, which entirely exempted "him from their juriſdiction. He likewiſe affirmed, with "the concurrent teſtimonies of all the biſhops there preſent,

"that

" that what his Holineſs had been told concerning the an- A. D. 1167.
" cient cuſtoms of England was not founded on truth: and
" further offered, that if any, which were repugnant to the
" eccleſiaſtical laws, ſhould appear to have been *added in his*
" *time*, he was willing to annul them according to the judge-
" of his Holineſs."

I need not obſerve that in this offer the king riſqued nothing; but the legates continue their narration by ſaying, " that they had laboured, conjointly with all the principal " clergy of Henry's dominions, to prevail upon that monarch " to approve of their acting, not only as judges, but alſo me- " diators, between him and the archbiſhop, that all hope of a " reconciliation might not be cut off; and had ſent their own " chaplains with letters to that prelate, in which they named " a ſafe place, where he might confer with them on the ap- " proaching feaſt of St. Martin. But he, pretending ſome " excuſes, which they did not think worth repeating, put off " the day of their meeting till the nineteenth of November, " at which delay the king expreſſed a deeper reſentment than " they could have believed. And when Becket, notwith- " ſtanding the offer they made him of a ſafe conduct, would " by no means conſent to meet them on the borders of " Henry's country, adjacent to the French territory, they ſo " far deferred to him, as to repair to a place within the bounds " of that territory, which he appointed himſelf, leſt his be- " ing deprived of the benefit of this conference ſhould be im- " puted to them."

Conſidering the reſpect which Becket owed to the dignity of the legates, and the profeſſions he had made to Cardinal Otto, his behaviour on this occaſion can be only accounted for, by the arrogance of his temper, and a fixed reſolution to avoid, or at leaſt to delay, any treaty with the king. For he certainly could not juſtify the diſtruſt he expreſſed of that monarch, in refuſing to meet the legates at the place they appointed, even with a ſafe conduct. There was indeed no oc-

A. D. 1167. caſion for any ſecurity, except the honor of thoſe miniſters, which Henry, for his own ſake, would not have violated. They go on to tell the pope, "that they had begun the con-" ference with the archbiſhop, by endeavouring to perſuade, and " earneſtly exhorting him, to ſhew ſuch humility towards the " king, who had heaped upon him ſo many benefits, as might " afford them ſome matter whereon to ground a negociation " for making his peace. To which he had anſwered, after a " private conſultation with his friends, that he would *ſufficiently* " humble himſelf towards the king, *ſaving the honor of God,* " *the liberty of the church, the dignity of his own perſon, the poſ-* " *ſeſſions of the churches, the juſtices due to himſelf and thoſe who* " *belonged to him.* That, upon his enumerating all theſe ex-" ceptions, they had urged to him the neceſſity of ſpecifying " his demands; which he not doing, they aſked him, whether, " upon the points that were ſpecified in the letters of his Holi-" neſs, he would ſubmit to their judgements; as the king and " the appellant biſhops had promiſed to do? To which he im-" mediately anſwered, that he had not received from his Ho-" lineſs any ſuch command; *but, if he and all who belonged to* " *him were firſt abſolutely reſtored, he would then proceed in this* " *matter according to the orders he ſhould receive from the apoſto-* " *lical ſee.* That the conference being thus ended, and his " words having been ſuch as had no tendency either to a trial " of his cauſe, or an agreement with Henry, they had made " their report to that monarch, concealing many things, and " ſoftening others, as well as they could. Whereupon the " king and his chief nobility began to aſſert, *that he was now* " *fully cleared by the archbiſhop's refuſing judgement.*"

Againſt the truth of this concluſion nothing is ſaid by the legates: but they add, "that the Engliſh prelates, with many " of the clergy there preſent, earneſtly enquired of them, whe-" ther by any ſpecial mandate, or by their general legatine " powers, they could compel him to *ſubmit to their judge-* " *ment?* And finding their authority inſufficient, either to

"determine the cauſe, or to protect the appellants againſt A. D. 1167.
"the archbiſhop, they had unanimouſly agreed to renew their
"appeal to his Holineſs, till the next feaſt of St. Martin; in
"the mean while putting themſelves and the whole realm of
"England under his protection."

This was procuring another year of delay, in the courſe of which they might hope for ſome alteration in their favour, either from the diſtreſs of the pope, or, perhaps, from his death. The legates gave their conſent to it, at the ſame time informing Alexander, "that they had forbidden Becket to "attempt any thing, during this interval, againſt the ſubjects "or kingdom of England." And they concluded with exhorting him "to proceed in this affair with great circum-"ſpection."

But Becket himſelf wrote to Alexander an account of what had paſſed in this interview with them, which contains ſome particulars not mentioned in theirs, and a laboured defence of his own conduct. After thanking his Holineſs for having abridged the authority given at firſt to the legates, he excuſes his having put off the time of his meeting them a little longer than they deſired, becauſe he could not aſſemble ſo readily his exiled friends, whoſe attendance and advice he thought he might want. As to the charge brought againſt him of having incited the king of France and the earl of Flanders to make war upon his ſovereign, he ſays in general, "that he had ef-"faced thoſe ſuſpicions with true and probable arguments; "and that the king of France himſelf, on the following day, "had, in preſence of the cardinals, ſo far as he was concerned, "*upon oath atteſted his innocence*. He adds, that God, the "ſearcher of all hearts, knew he was free from this offence; "for he was not ſo ill read in the ſcriptures as to think, that, "in ſuch a cauſe, a prieſt ought to employ carnal weapons, in-"ſtead of ſpiritual, or truſt in princes or in the arm of fleſh." He then relates to the pope another particular of his diſcourſe with the legates, not related by themſelves, "that he was

V. Epiſt. 30. l. ii.

"aſked

A.D. 1167. "asked by the cardinal of Pavia, whether (as he was no better "than his predeceſſors) he would promiſe the king, in their "preſence, to maintain all thoſe cuſtoms, which, under former "kings and archbiſhops of Canterbury, had been main-"tained; and ſo, complaints on both ſides being quieted, re-"gain his archbiſhoprick and the king's favour, if they could "be obtained for him? To which he replied, that none of "his predeceſſors had, by any king, been conſtrained to make "ſuch a profeſſion: nor would he ever promiſe obedience to "cuſtoms which deſtroyed the liberty of the church of God, "tore up the privileges of the apoſtolical ſee, and were plainly "repugnant to the divine law; cuſtoms, from the obſervance "of which he had been graciouſly abſolved by his Holineſs, "in the preſence of them and many others at Sens." He added, "That, by God's grace, he ſhould never forget thoſe "words of his Holineſs, which ſo well became an apoſtolical "mouth, *that they ought rather to yield up their necks to the "ſword or the axe, than conſent to ſuch wickedneſs, and ſo forſake "their paſtoral charge, out of a ſcandalous attachment to tem-"poral things, or an inordinate love of life.* After this, the "conſtitutions of Clarendon being read, he aſked the le-"gates, "Whether they could be obſerved, or even connived "at, by a prieſt, without bringing both his order and his ſoul "into danger?" Adding, that he had ſworn fealty to the "king *ſaving his order*, and would ſo keep it to him, as not "to give up the faith he owed to God. But being exhorted "to comply for the peace of the church, he urged the danger "of the precedent; that no perſon would afterwards dare to "open his mouth for eccleſiaſtical liberty; that, when the "paſtors gave way in ſuch a cowardly manner, none elſe "would contend for the defence of the houſe of Iſrael; and "that neither his Holineſs, nor any apoſtolical man, had ever "inſtructed the church by ſuch examples."

Theſe are the principal points in which the letter of Becket differs from that of the legates; but in the bitterneſs of his heart

heart he could not help filling it with the ſharpeſt invectives againſt the appellant biſhops; reminding the pope, *That they who now thirſted for his blood were the ſame, who, upon the demand of his pall, had expreſſed by their letters the moſt entire approbation of his election, and beſtowed on his perſon the higheſt encomiums; though, at preſent, contradicting both truth and themſelves, they had, by the impudence of lying and flattering, made themſelves contemptible; and, like the ſlaves in ancient comedies, firſt affirmed, and then denied, at the nod of their maſter.* He alſo complained to his Holineſs, "That, beſides the "churches of Canterbury and Tours, the king had for a long "time detained in his own hands *no leſs than ſeven vacant "biſhopricks in England and Normandy*, and ſuffered no paſtors "to be ordained in them. He adds, that the clergy were "given up to the ſoldiers of that prince to be trampled upon "and made their prey. He aſks the pope, how he will an"ſwer the enduring of this at the day of judgement? Who will "reſiſt Antichriſt at his coming, if ſo little oppoſition is made "to the vices and crimes of his forerunners?" *It is*, ſays he, "*by ſuch forbearance on our ſide, that the powers of the world "grow inſolent; kings become tyrants, ſo as to imagine that "no right, no privilege, is to be left to the church, unleſs at "their pleaſure. But bleſſed is he who takes and daſhes their "little ones againſt the ſtones. For if Judah, according to the "command of the law, does not root out the Canaanite, he will "grow up againſt him to be perpetually his enemy and his ſcourge. "Take courage, father, and be ſtrong; for more are with us "than againſt us. The impious Frederick has already been "cruſhed by the Lord, who will ſoon cruſh others alſo, if they "do not repent, and make their peace with the church.*" Then referring his Holineſs to a verbal account, from the meſſengers he ſent to him, of ſome particulars which he did not think proper to write, he addreſſes him thus; "Of this let your "*ſerenity* be well aſſured, that, if I would from the beginning "have acquieſced in thoſe wicked cuſtoms, I ſhould not need

A. D. 1167.

"the

A. D. 1167. "the mediation of any cardinal, nor indeed of any man living. "In vain do they plead in defence of them the example of "the Sicilians or the Hungarians, which would not excuſe us "in the day of judgement, if we ſhould prefer *the barbariſm* "*of tyrants* to apoſtolical inſtitutions, and believe that *the in-* "*ſolence of ſecular powers* ſhould be the rule to direct our "life, rather than the eternal teſtament, confirmed with the "blood and death of the ſon of God." He than complains very bitterly of the perſecution he had ſuffered for the ſake of the church; and aſks the pope, "Whether it ought to be the "fruit of his labour and exile, and of the oppoſition he had "made *to the fierceſt oppreſſor of the church*, in defence of its "freedom, that, after ſo many miſeries ſuſtained by himſelf, "and by thoſe who were baniſhed on his account, inſtead of "the conſolation which he had ſo long expected, and the "vengeance due from God and his Holineſs to the injury "done to Chriſt Jeſus, he ſhould, by the authority of this "legation, be vexed with delay and chicanery, year after "year, and at laſt have the right and juſtice of his cauſe turned "to the ruin of himſelf and his unhappy friends."

Such was the letter of Becket on this occaſion; a letter full of that mixture of paſſion and cunning, which is one diſtinguiſhing mark of his ſingular character! I would obſerve upon it, that the teſtimony of Louis, alledged by him in vindication of himſelf from the charge of having incited that monarch to make war upon Henry, may ſo far be true, as that he did not *directly inſtigate or adviſe him to do it*; but, that by indirect methods, by poiſoning his mind with jealouſies and ſuſpicions, and inflaming his bigotry againſt an oppreſſor and perſecutor of the church, he diſpoſed him to break all friendſhip with that prince, can hardly be doubted, if we conſider the rancour expreſſed in his letters, and the whole tenour of his conduct. The probability of it is further confirmed by the manner, in which one of his neareſt and moſt intimate friends wrote

V. Epiſt. 163. 168. l. i.

wrote to him, and to others, upon the events of this war, and of other quarrels wherein their ſovereign was engaged; expreſſing great ſatisfaction when his enemies ſeemed to have any advantage over him. That ſimilar arts were uſed to incenſe the earl of Flanders one may reaſonably ſuppoſe: nor was it difficult for one ſo experienced in the world as Becket had been, to do this in a manner that would finally anſwer his purpoſe, without committing any open or poſitive act of high treaſon. A.D. 1167.

With regard to the complaint, which Becket makes, of Henry's keeping ſeven biſhopricks in England and Normandy too long unfilled, it muſt be obſerved, that if, during the abſence of that prelate, the vacant ſees in this kingdom had been filled up, the perſons elected to ſupply them could not have been conſecrated without an offence againſt his metropolitan rights. It appears that Henry was deſirous to fill them up at this time, by the intervention of the legates: but the pope, at Becket's requeſt, had, by a particular mandate, reſtrained them from interfering in that affair till the archbiſhop ſhould be entirely reconciled to the king. What occaſioned the delay in the Norman ſees is uncertain: but it probably was ſome good reaſon; as we do not find that the legates made any remonſtrances to the king on that article, or took any notice of it in their letter to the pope.

V. Epiſt. 34. l. ii.

Henry was much diſcontented at the report of the conference with the archbiſhop, and ſtill more at the inability which he found in the legates to do him any ſervice. On their return into Normandy, he preſſed them to hear his cauſe with Becket, and offered to give them any ſecurity they ſhould aſk, that he would ſtand to their judgement on every article, *if they would render to him what even the loweſt of men had a right to demand from them, juſtice.* They replied, that their commiſſion was not to judge, but amicably to compoſe his diſputes with that prelate. At the end of this con-

V. Epiſt. 26. l. ii.

A. D. 1167. ference he ſaid publickly, and even in their hearing (if we may believe an anonymous letter to Becket) *that he wiſhed his eyes might never more ſee the face of a cardinal.* Nevertheleſs, when they afterwards had their audience of leave, he begged their aſſiſtance and interceſſion with the pope *to rid him of Becket*, and ſpoke with ſo much emotion, that he even ſhed tears; "at which (ſays the letter-writer) Cardinal William of Pavia "ſeemed alſo to weep, but Cardinal Otto could hardly for- "bear from laughing." And he adds, "that the latter gave "notice to the pope, by a ſecret channel, that he never would "be concerned in the depoſing of Becket, nor conſenting "thereunto; *though the king ſeemed to deſire nothing but his "head in a charger.*"

V. Epiſt. 6. l. ii.

All the appellant Engliſh prelates now wrote to his Holineſs moſt bitter complaints of the archbiſhop's behaviour, with relation to themſelves, the church, and the kingdom. They ſaid, "*he declined to pay the king forty thouſand marks, or more, (as his own people affirmed) or even to make up any account; and denied to his ſovereign and his maſter what he ought not to deny even to a heathen or publican.*" The embezzlement was enormous: for the ſum he was charged with was equivalent in thoſe days to above four hundred thouſand pounds in theſe. And the biſhop of London, in a publick aſſembly before the legates, enlarged upon that point, and treated Becket's defence with ridicule and contempt, ſaying, "*the archbiſhop thought, that, as ſins were remitted by baptiſm, ſo debts were diſcharged by promotion.*" The plea indeed was ridiculous, and this Becket well knew; for in the abovementioned letter he told the pope, *that although he had a confidence in one of the legates, yet there was no man but his Holineſs to whom he would venture to commit this cauſe of the Lord.*

V. Epiſt. 33. l. ii. V. Appendix.

V. Epiſt. 6. l. ii.

V. Epiſt. 30. l. i.

That pontif, before he departed out of France, had granted to this prelate a very extraordinary brief, in which, *by virtue of his own apoſtolical power*, he reverſed and annulled the ſentence paſt by the biſhops and barons at Northampton, which,

V. Epiſt. 49. l. i. See alſo Appendix.

which, on account of Becket's contumacy in his ſuit with John the king's mareſchal, had declared all his goods to be forfeited to the king; "*becauſe* (ſays the brief) *an inferior cannot judge a ſuperior, eſpecially one to whom his obedience is due; becauſe all the goods of the archbiſhop belong to the church, which ought not to ſuffer any loſs or inconvenience for the faults of its paſtor; and becauſe the ſentence was contrary to the eccleſiaſtical uſage, and the forms of the canon law.*" But, even under the protection of ſuch an exemption from the authority of all laws except thoſe of the church, Becket could not be ſafe from the demand of a debt incurred *before he was a biſhop*, during the courſe of his adminiſtration in a civil employment; the equity of that demand being ſubmitted to the judgement of legates from the pope. He therefore deſired to avoid any trial upon it, and decide it more advantageouſly by excommunicating Henry, and forcing him to purchaſe abſolution by an act of grace and oblivion. But, to his great mortification, ſoon after the conference between him and the legates, in which he declared, he would not ſubmit to their judgement, *unleſs he and his friends were firſt reſtored*, a condition he was certain the king would refuſe, he received from them a letter, forbidding him to pronounce any ſentence of interdict againſt the realm of England, or to excommunicate any perſon within that realm, till the affair had been brought before the pope, and till his pleaſure thereupon ſhould be known: which mandate they grounded upon the authority of Alexander himſelf, ſignified to the appellant biſhops in letters from that pontif, produced by them to the legates. He had entertained no apprehenſions of this prohibition, when he gave his Holineſs an account of the conference with the legates, in the manner related before; and it grieved him ſo much, that, in the dejection and agony of his mind, he again *prayed* to the pope, as he had done when the two cardinals came firſt into Normandy, with very indecent and profane applications of ſcripture. Not long afterwards he

A. D. 1167.

V. Epiſt. 29. l. ii.

V. Epiſt. 47 l. ii.

A. D. 1168. received a letter from Alexander, in which, after exhorting him not to ſink under the weight of his afflictions, but remember, that "*bleſſed are they who ſuffer perſecution for righteouſneſs ſake*," that pontif gave him this judicious and friendly admonition; "Where you are certain that juſtice and the liberty of the church "are *greatly* injured, do not endeavour to make your peace with "the king to the depreſſion and diminution of the eccleſiaſti- "cal dignity: but nevertheleſs, as far as it can be done, "ſaving *the honor of your office* and the liberty of the "church, *humble yourſelf to him*, and ſtrive to recover his fa- "vour and affection; *neither be too much afraid of him, nor* "*require greater ſecurities than you need.*" If the archbiſhop had diſcreetly followed this counſel, it would have prevented his death; but *to humble himſelf* was a leſſon he could not learn, nor did he think it conſiſtent with *the honor of his office*. This letter had therefore no effect on his conduct: and, as he was ſtopt by the pope's mandate from any hoſtile proceedings, nothing material was done, with relation to the difference between him and the king, for ſeveral months. But ſoon after Midſummer, in the year eleven hundred and ſixty eight, the earl of Flanders, upon ſome overtures then made by Henry, carried him to wait on that monarch at a certain place on the borders, where a conference between the kings of France and England was appointed to be held. If we

V. Epiſt. 20. l. ii. may believe what he wrote himſelf to the pope, it was thought that a reconciliation might have then been obtained for him on the moſt advantageous terms. But two miniſters, whom Henry had ſent to Beneventum, returning from thence at this important juncture of time, brought to that prince a letter from the pope, wherein it was ordered by his Holineſs, that Becket's ſpiritual authority over him, or his kingdom, or any perſons belonging to it, ſhould be entirely ſuſpend- ed, *till that prelate had recovered his royal favour:* where- upon he was ſo elated, that he would not ſo much as ſee him. And being permitted by Alexander to publiſh this letter,

letter, he ſent copies of it to England, and over all the realm of France: nay, he boaſted in publick, "*that he had obtained the ſame privilege as his grandfather Henry the Firſt, who was king, legate, patriarch, emperor, and all that he wiſhed t cbe, in his own territories.*" This was only an hyperbolical expreſſion of his triumph; and he had reaſons of policy to ſound it as high as he could. But he ſeems, on this occaſion, to have exceeded the limits of his uſual prudence. For he told the biſhop of Worceſter, "*that he had now got the pope and all the cardinals in his purſe.*" He even declared in his family, what bribes he had given, and to whom of the ſacred college. All which was immediately repeated to Becket by friends and ſpies he had there.

A. D. 1168.

V Epiſt. 32. 58. l. ii.

What rendered the affliction of that prelate more painful and inſupportable to him, was the confidence he had conceived from the proſperous ſtate of Alexander's affairs at the time when this letter was ſent. For, by a confederacy of the Lombards, the emperor had been forced to abandon Pavia, which city he had repaired to, after the deſtruction the ſickneſs contracted at Rome had made in his army; and retiring, or rather flying, from caſtle to caſtle, had eſcaped at laſt out of Italy, through the territories of Humbert earl of Savoy and Maurienne, which, not without difficulty, were opened to him, in the utmoſt extremity of his danger, by the interceſſion of a near relation of that earl, the marquis of Montferrat. He was even forced, when he came to the borders of Savoy, to go ſecretly off, by night, with only five of his menial ſervants, and diſguiſed in their habit. Nevertheleſs ſome good reaſons might prevail with the pope to grant this favour to Henry. He had a cool and ſober mind, which was able to preſerve in the midſt of proſperity a provident attention to future dangers. Frederick indeed had been driven beyond the Alps; but, his perſon being ſafe, his power was ſtill formidable; and the loſſes he had ſuffered, from a misfortune ſuperior to all human prudence, were more likely

A D. 1168. likely to excite in him a deſire of revenge, than ſubdue or weaken his courage. No regard was paid in Germany to the ſentence of excommunication and depoſition pronounced againſt him by Alexander, the ſummer before. The whole body of the empire remained firm in the party of the antipope. Among a people ſo numerous, and ſo warlike as the Germans, new armies might ſoon be raiſed, and brought again into Italy, to ſupport the cauſe of that pontif. The duke of Saxony alone was ſuch a powerful prince, that, whilſt he adhered to Frederick, the oppoſite party might ſtill dread a change of fortune. Alexander's greateſt ſtrength was in the protection given to him by the kings of England and France: but the earl of Champagne, who had a governing influence in the French court, wiſhed well to the emperor, and at this very time was endeavouring to negociate a match between a ſon of that prince and a daughter of Louis. Whether the latter would refuſe this alliance was uncertain; and the biſhop of London had told Alexander, not long before, in a private and confidential letter, "that *if King Henry ſhould throw off his "obedience to him as pope, there would not be wanting a perſon "to bow the knee to Baal, and take the pall of Canterbury from "the antipope's hands, nor others to fill all the Engliſh ſees under "that idol with great devotion; and that many already wiſhed "for ſuch a revolution.*" On the other hand, to have ſacrifiſed Becket to Henry would not only have hurt the power of the papacy and the reputation of the pope, but have exaſperated Louis, whoſe regard for that prelate was become an enthuſiaſm. Under theſe difficulties Alexander reſolved very prudently to keep the affair in his own hands as long as he could, and prevent either party from going into extremes, which might, in their conſequences, endanger his intereſts. What he wiſhed was, that Becket might be perſuaded to deſire, and make it his own requeſt, to change his archbiſhoprick for another out of England. And there is in the

V. Acerb. Morenæ contin. Struv. period. 7. parag. 2. de Frederico Barbaroſſa. P. Barre Hiſt. d'Allem. ſub. ann. 1168. Franciſci Pagi Brev. pontif. ſub ann. 1167. 1168.

V. Epiſt. 79. l. ii.

V. Epiſt. 38. l. i.

the Cotton Library a manuſcript letter to Henry from Cardinal John of Naples, which affirms to that monarch, "that, if "he would follow his counſel, and make a right uſe of the "letters which the pope had ſent him, *Becket, ſeeing him-* "*ſelf deprived of all aſſiſtance, and certainly knowing, that he* "*could by no means ever return to the ſee of Canterbury, would* "*voluntarily renounce it, and beg to be provided for in ſome* "*other ſee, where he might reſide.*" But in this the cardinal was miſtaken; and Alexander, who perceived, that Becket's agents at Beneventum were greatly diſſatisfied, and that there was reaſon to apprehend he never would conſent to any ſuch exchange, thought it neceſſary ſoon afterwards to write him an apology for what he had done; which he chiefly grounded on the danger of driving Henry to engage in a confederacy with the emperor, whom he called in his letter *a tyrant, and a flagitious enemy of the church:* but he aſſured the archbiſhop, "that, if the king was not reconciled to him by the begin- "ning of Lent (meaning the Lent of the year eleven hundred "and ſixty nine) he would *then* reſtore to him full power "to execute the duty of his office, not only upon particu- "lars of dignity in the ſtate, but upon the kingdom itſelf, "and the perſon of the king, without any obſtacle of an "appeal, *if he ſhould find it expedient for himſelf*; *and provi-* "*ded he did it with the pontifical gravity and deliberation,* "*which ſuch a proceeding required.*"

A. D. 1168.

Cod. Cotton. MS. Fol. Claudius B. ii. f. 268. b. See it in the Appendix.

V. Epiſt. 16. l. iv.

Before this letter came to Becket, on the firſt notice of that which Henry had publiſhed to all France with ſo much exulta- tion, the angry prelate had ſent to Alexander moſt pathetick complaints, or rather upbraidings, on that ſubject; his high ſpirit being unable to conceal it's reſentment. He had written in the ſame ſtyle to the college of cardinals, and had engaged ſome French biſhops, and even the king and queen of France, to expoſtulate with his Holineſs on the injury he had done to him and the church. After receiving theſe letters the pope wrote to him again, with ſtrong proteſtations, "that

V. Epiſt. 14. l. iv. 46. l. ii.

V Epiſt. 19. 20. l. iv. 59. 62. l. ii.

A. D. 1168. " that his affection for him was not declined, but daily en-
" creaſed: that he conſtantly propoſed to maintain and pre-
" ſerve, with the moſt diligent care, his honor and dignity,
" and the rights of his church; and that he would faithfully
" keep the promiſe he had given, by reſtoring him to the
" plenitude of his authority on the day he had fixed." He gave the ſame aſſurances to the king of France; but he could not be induced to ſhorten the term, though he had been informed by a letter from a truſty friend in that kingdom,

V. Epiſt. 51. l. iv. " that, notwithſtanding a caution, which conformably to his
" orders had been given to Louis, not to be alarmed if he
" ſhould hear that the Engliſh miniſters at Beneventum had
" gained ſome great point againſt Becket, *becauſe his Holi-*
" *neſs would keep the cauſe of that prelate in his own breaſt*;
" he was ſo much diſturbed at the boaſts which Henry made
" of the letter he had received, as to complain that his Holi-
" neſs had broken his word to him, and even to ſay, in the
" heat of anger, *that he would not be ſtopt any longer, out of*
" *regard to the ſee of Rome, from procuring a benefit to himſelf*
" *and his kingdom, as he ſhould find it expedient*;" meaning the projected alliance with the emperor's ſon.

Beſides the affection this monarch retained for Becket, his own intereſt now might reaſonably incenſe him againſt the conduct of Alexander. For the excommunication of Henry would have enabled him to make war againſt that prince with advantage, or to preſcribe the terms of peace. But A-

V. Epiſt. prædict. lexander pleaded, " that the ſee of Rome was accuſtomed
" rather to ſuffer any damage and loſs to itſelf by a deli-
" berate conduct, than to ſin by precipitation." In ſhort, he would not be driven, by ſollicitations or menaces, out of that plan, which he had very judiciouſly ſettled, as the beſt for his intereſt, and purſued with great ſkill.

V. Epiſt. S. T. Cantu. 108. l. ii. If we may believe John of Saliſbury, this unexpected ſuſpenſion of Becket's authority was obtained by William of

of Pavia, who wrote to the pope, "that he apprehended "great danger to himself and his colleague, if the archbishop "should pass any sentence against the king or his kingdom, "while they continued in his territories." Certain it is from the evidence of Becket himself, who mentioned it as a secret to be revealed to no mortal, except the pope and his own most faithful friends, that a messenger whom he had sent, about that time, to the legates, had received from Cardinal Otto a private instruction, to let him know, "*that Alexander* "*must not send to them any mandate against the king, whom they* "*would not offend, till they had left his dominions, either* "*out of regard to his Holiness, or to any other person.*" Upon which declaration, he immediately dispatched an instruction to his agents at Beneventum, strongly to press the recalling of those legates without delay. Nevertheless it appears by the above-cited letter of John of Salisbury, that they were not recalled till the autumn of this year, eleven hundred and sixty eight.

A. D. 1668.

V. Epist. 109. l. ii.

V. Epist. prædict.

A little before their departure, Cardinal Otto, in taking leave of the king, made use of that occasion to exhort him to a speedy reconciliation with Becket. He replied, "that, "from his affection to the pope and to them, he would con- "sent to let the archbishop return in peace to his see, and *take* "*care of his church and his own business.*" This (whatever limitation he might mean to annex to it by the concluding words) was certainly a great condescension, and such as it is probable he would not *then* have been brought to, if he had not trusted that Becket would refuse to return without many other conditions. After a long dispute with the cardinal about the royal customs, he said, "that he and his children would be content "with those alone, which it should be proved that his ancestors "had enjoyed, by the oaths of a hundred men of England, a "hundred of Normandy, a hundred of Anjou and of his "other dominions. But, if this proposition did not please the "archbishop, he was ready to stand to the arbitration of three

V. Epist. 108. l. ii.

A. D. 1168. "Engliſh biſhops, and of three who belonged to his terri-
"tories on the continent, namely Rouen, Baieux, and Mans.
"Or, in caſe that even this ſhould not be thought ſufficient,
"he would ſubmit to the judgement of the pope, with this
"reſerve only, that his act ſhould not prejudice the rights
"of his heirs."

If Becket's objection to the conſtitutions of Clarendon had been (as ſome have maintained) that they were *innovations*, the firſt propoſal Henry made with regard to the royal cuſtoms would have removed all his difficulties. But it was the diſcordance of them to *the divine laws* upon which he grounded his oppoſition; and by *the divine laws* he meant the eccleſiaſtical canons. All that the church, at any time, had illegally obtained or uſurped from the ſtate, he ſuppoſed to be it's juſt right; and all attempts made by the ſtate to recover what it had loſt, or to oppoſe future encroachments, he treated as ſacrilege. The king therefore muſt have been ſenſible that his firſt propoſal would not be accepted by Becket: he riſqued more in the ſecond: but, undoubtedly, in the laſt he went a great deal too far; becauſe, though he articled that his act ſhould not prejudice the right of his heirs, yet ſuch a conceſſion made for his own life-time, beſides the preſent detriment and injury to the ſtate, would have laid ſucceeding princes under very great difficulties to recover that right from a power ſo aſſiſted by the bigotry of the people, and which knew ſo well how to convert the ſhorteſt poſſeſſion into a permanent claim. In all probability, this was rather a compliment lightly thrown out, to ſhew his deſire of an agreement with the church, and to load the archbiſhop, than a deliberate purpoſe, upon which he ſincerely intended to proceed. Being aſked by the cardinal, "what he would do with regard to the reſtitution demanded by Becket, and to which he was bound in conſcience?" he anſwered, "he would do nothing;" atteſting with many ſtrong oaths, *that all he had taken from*

V. Epiſt. 108. l. ii.

that

that prelate himſelf, or from thoſe baniſhed with him, he had beſtowed on poor churches." A. D. 1168.

The conference ended with intimations from the cardinal, "that, if he did not follow other counſels, and act with more lenity, *he would be called to an account by God and his church more ſeverely and more ſpeedily than he believed.*" The other legate thought it neceſſary to ſpeak a ſimilar language in his audience of leave; and he likewiſe was heard without regard by the king. But, not long afterwards, Cardinal Otto, diſcourſing with Becket, aſked him, *whether he would conſent to give up his archbiſhoprick, on the condition of the king's renouncing his cuſtoms?* To which diſagreeable queſtion the archbiſhop replied, "that the cauſe was not equal; becauſe the king was bound in duty, and for the good of his ſoul, to renounce thoſe cuſtoms; but he could not, without betraying the honor of the church, give up his archbiſhoprick." This anſwer, artful as it was, appeared ſo repugnant to the diintereſted zeal which he had profeſſed, that the biſhop of Worceſter ſaid publickly, "*that it was now evident, that the archbiſhop of Canterbury was not ſincere in the cauſe he maintained, but ſought his own private intereſt, not the liberty of the church:*" adding, "*that he himſelf was ready to give up his own biſhoprick on the ſame condition:*" which words were of no little diſſervice to Becket; as he who ſpoke them was eſteemed a moſt zealous churchman. But the friends of that prelate apologized for him by ſaying, "*that the king might revoke, at pleaſure, his benignity to the church, and reduce it again to it's former ſervitude, or a worſe: but, after ſuch an example, no man would again aſſert it's freedom: for who could have courage enough to take up a cauſe, in which, and for which, he remembered that ſo great a prelate had fallen?*" John of Saliſbury affirms, in a letter on this ſubject, "*that, to his knowledge, Becket was abſolutely determined never to change his ſee for another, nor deſiſt from proſecuting his right, nor make a peace with the king, if the conſtitutions, about which the controverſy had ariſen, were not given up.*"

V. Epiſt. 110. l. ii.

V. Epiſt. prædictam.

A. D. 1168. There is alſo a letter from the archbiſhop himſelf, written not long before, wherein he inſtructs his agents at Beneventum, "*plainly and fairly to let his Holineſs and his other friends know, that he would ſooner ſuffer himſelf to be put to death, than to be torn, while alive, from his mother, the church of Canterbury, which had nurſed and exalted him to what he was at this time.*" He likewiſe bid them add, "that, *were there no other objection, but the king's taking from this and other churches in England what of right belonged to them, he called God to witneſs, that he rather choſe to die the moſt cruel death, than ſhamefully live, that monarch being permitted to do theſe things, and not receiving from him the puniſhment due to them unleſs he made ſatisfaction.*"

During the courſe of theſe tranſactions Henry's affairs had been embroiled with inteſtine commotions in ſeveral parts of his territories belonging to France. The truce, made in Auguſt of the year eleven hundred and ſixty ſeven, between him and Louis, had been a ſuſpenſion of open, but not of ſecret hoſtilities, on the ſide of the latter, who encouraged ſome nobles in the dutchy of Aquitaine to take up arms againſt Henry, with the promiſe of aſſiſtance on the expiration of the truce at the end of the Eaſter holidays in the following year. The Norman chronicle imputes their intended inſurrection to no other cauſe than a licentious deſire of plunder and rapine, which, indeed, in that country was often ſufficient to excite a civil war. But another hiſtorian aſcribes it, with more probability, to their diſcontent againſt Henry, on account of ſome franchiſes he had lately taken from them. A power of oppreſſing the commons with impunity, was frequently claimed, as a privilege of nobility, by the feudal barons of Aquitaine; but their preſent duke was not ſo patient of any franchiſe of that nature as ſome of his predeceſſors. Whatever the cauſe may have been, the confederacy was ſtrong; and, had the ſecret been kept till the expiration of the truce, might have produced a diverſion of great advantage to Louis. But Henry's

Chron. Norm. ſub ann. 1167.

Gervaſ. ſub ann. 1168.

vigilance ſoon diſcovered, and puniſhed their treaſon. On the firſt intelligence of it he marched into Poitou; and, though it was now the middle of winter, laid ſiege to Luſignan, the principal fortreſs of the confederate barons, which he preſently took and deſtroyed. When this barrier was broken down all the lands of the inſurgents were ravaged by his ſoldiers, who met with no reſiſtance. Thus, by the great celerity with which he acted, the ſtrength of this rebellion was cruſhed and overpowered in it's firſt beginning; after which he left the government of the province to Eleanor, it's natural ſovereign, and went back into Normandy. Negociations for a peace between him and Louis had been carried on for ſome months. Soon after the firſt conference of Becket with the legates, John of Saliſbury wrote to the biſhop of Poitiers, "that Henry and the earl of Champagne were "then contending, which of them ſhould outwit the other "in the treaty." And he ſays in another letter, "that the earls of Flanders and Champagne, at the deſire of that monarch, had formed the plan of a treaty, and communicated it to Louis in a great council at Soiſſons, which ſeems to have been convened between Chriſtmas and Eaſter in the year eleven hundred and ſixty eight, ſoon after the return of Henry from Poitou. The conditions propoſed were ſo fair, and the mediation of the two princes who preſſed them upon Louis had ſo much weight, that, however averſe he might be to any peace at this time, he did not think it adviſeable for him to reject them.

A.D. 1168.

V. Epiſt. 26. 66. l. ii.

All being agreed to on his part, the earl of Champagne was ſetting out to wait upon Henry, in order to receive his ratification of the treaty, when an incident happened, which again retarded the peace. The lords of the houſe of Luſignan, after Henry's departure from their country, had attempted to rebuild their ruined caſtle; which being informed of, he determined to go inſtantly thither, and oppoſe their deſign, but left full powers to the three miniſters of the higheſt rank in his court,

V. Epiſt. 66. l. ii.

Richard

A.D. 1168. Richard de Humet juſticiary of Normandy, the archbiſhop of Rouen, and Richard de Luci juſticiary of England, to conclude the peace for him according to the conditions which Louis had accepted. There was nothing in this proceeding at which that monarch could reaſonably take any umbrage; but either he really ſuſpected, or pretended to ſuſpect, that Henry meant to diſavow the act of his miniſters, with regard to any articles which he afterwards might diſlike. Upon this groundleſs apprehenſion he acted ſo violently, that he went directly to Bourges, and made a treaty with the confederate nobles of Aquitaine, by which he engaged to aſſiſt them, and make no peace with Henry, till he had obtained one for them with an entire reſtitution of all they had loſt. This put a new difficulty in the way of the mediators, and made Henry apprehend a troubleſome war in Poitou as ſoon as the truce with Louis ſhould expire. He therefore ſtrengthened that province, and all his dominions beyond the Loire, with numerous garriſons; and, having appointed the earl of Saliſbury his general in thoſe parts, went to meet the king of France, at a place appointed for their interview by the former conventions. But Louis refuſed to ſee him, unleſs he would aſſure to the nobles of Aquitaine a ſafe peace and reſtitution of all the poſſeſſions he had lately taken from them; yet ſo as that neither party ſhould be obliged to rebuild the caſtles or houſes they had burnt. He ſubmitted to this, and perſonally pledged his royal faith to the nobles who treated for Louis, in the abſence of that king, that he would obſerve all the articles agreed upon at Soiſſons: a reciprocal engagement being taken by them in the name of their royal maſter, except with regard to one article, which he afterwards gave his aſſent to, namely the contracting of one of his daughters to Prince Richard Plantagenet. When they had made their report to him of what they had done, he conſented to ſee Henry, and ſwear to the peace. John of Saliſbury wrote to the archdeacon of Exeter, that, before Henry could bring the king of France to this promiſe, he was

V. Epiſt. 66. l. ii.

forced

forced to ſollicit the aſſiſtance of all the friends he could make in the French court; and that applying himſelf, in a more particular manner to the biſhop of Chartres, whoſe reputation for piety gave him a principal place in the favour of Louis, he implored that prelate, with an air of great cordiality, "*to reconcile him to his liege-lord the king of France, with whom, and for whom, he was ready to go to a holy war againſt Ægypt.*" The biſhop aſked, "whether he really meant what "he ſaid?" To which he replied, "that he did, and had ne- "ver done any thing with a better will in his life, if it would "pleaſe *his lord*, the king, and if that prince would only give "him leave, before he ſet out, to ſettle his family and provide "for his children." The biſhop reported his words to Louis, who anſwered, "*that he was aſhamed of having been ſo often deceived; and ſhould never believe that Henry ſpoke from his heart, till he ſaw the croſs on his ſhoulder.*" But John of Saliſbury ſays, "that although he expreſſed ſuch a diſtruſt of the "ſincerity of this offer, he yet was influenced by it in ſome "degree, and inclined the more to a peace on that account." A. D. 1168. V. Epiſt. prædict.

While theſe negociations were depending, the earl of Saliſbury was ſurpriſed and treacherouſly murdered, on his return from a pilgrimage, by Guy de Luſignan, and others of the ſame family. Henry, who never ſuffered an outrage of this nature to be committed with impunity, even where his own dignity was not ſo immediately and highly concerned, ordered an army to march, with the utmoſt expedition againſt theſe noble aſſaſſins, who refuſed to obey his ſummons. Guy, dreading the vengeace impending over his head, fled out of Poitou and went into the Holy Land, where he met with extraordinary revolutions of fortune, an account of which will be given in the latter part of this work. The confederates in his crime found likewiſe an aſylum in the court of King Louis from the puniſhment due to their guilt; but their lands were all deſtroyed by Henry's troops. They had the impudence to complain of this to Louis, as a breach of the ſtipulations. Gerv. Chron. & Hoveden, ſub ann. 1168. Chron. Norm. Epiſt. 66. l. ii. ut ſupra.

A. D. 1168. ſtipulations between him and Henry: which complaints he received with as much warmth of reſentment, as if juſtice and law had been clearly on their ſide; inſomuch, that he declared, he would not meet the king of England according to his engagement, unleſs that monarch would firſt grant a ſafe conduct to them, that they might attend at the place of conference; and would give hoſtages to ſecure them againſt any injury from himſelf or his ſubjects, in coming thither, or during their continuance there, or while they were returning. This declaration might be deemed an act of hoſtility, rather than a preliminary to the concluſion of a peace, the conditions of which had been ſettled. John of Saliſbury owns, "that "Louis wiſhed for a pretence to break his conventions." He alſo ſays, "that ſome thought Henry would not by any "means endure ſuch an ignominy, as to be obliged to grant "a peace, and to make reſtitution, to thoſe who had aſſaſſinated "one of his peers, and with ſo much contumacy reſiſted his "orders. But others were of opinion, that as he was crafty, "and ſaw himſelf now in great ſtreights, *he would recur to* "*his uſual arts of ſimulation and diſſimulation, and avenge him-* "*ſelf on his enemies at a more convenient time.*" Certain it is, that this prince had ſufficient cauſe to reſent the proceedings of Louis; but he had likewiſe ſtrong reaſons to conceal that reſentment, and ſubmit to ſome indignities, which upon other occaſions he would not have endured, rather than venture to let the war be renewed at this very unfavourable juncture of time. For, as yet, he had not received the letter from Alexander, which ſecured him from the cenſures he was threatened with by Becket. Seeds of ſedition had been ſown and conſpiracies formed in expectation thereof, not only in Poitou, but in the dutchy of Bretagne, which he governed as adminiſtrator during the nonage of his ſon. A ſecret treaty had been made, not long before Eaſter, in this year eleven hundred and ſixty eight, between Louis and Earl Eudo, againſt whom Henry had given ſentence in favour of Conan concerning their claims

V. Epiſt. prædict.

V. Chronica Normanniæ.

claims to that dutchy; whereby the earl in conjunction with the powerful lords of Dinan, engaged to take up arms againſt Henry in thoſe parts, though, by a late compact with that monarch, he had been put into poſſeſſion of a great part of Bretagne. Louis promiſed to aſſiſt them at the expiration of the truce, intending, if they ſhould prove ſucceſsful in their enterprize, to overturn the whole ſettlement made by the late duke upon Geoffry Plantagenet, and give the dutchy to Eudo. What grievances were alledged by the lords of Dinan to juſtify their revolt we are not told: but moſt probably it was owing to the reſtraints Henry laid on the licentiouſneſs of the nobles. Having been uſed, for many years, to call anarchy freedom, they now thought they were oppreſſed, becauſe they were governed. Undoubtedly they, and earl Eudo, their confederate, relied much on the hope, that Henry would be ſoon excommunicated by Becket, which, from the bigotry of the times, would have had a mighty effect on the minds of the people, and have made any quarrel ſeem juſt againſt a prince driven out by the church from all Chriſtian ſociety, and delivered over to Satan. A D. 1168.

While they were concerting their meaſures, Henry, who had always good intelligence, having diſcovered their plot, ſummoned them, together with Eudo, to come and ſerve him againſt Louis, in caſe the war ſhould be renewed between him and that king at the end of the Eaſter holidays; which they refuſing to do, he prudently waited till he had tied the hands of Louis by the covenants above mentioned, and then fell upon Eudo, whoſe chief caſtle he took and demoliſhed. Another fort being alſo ſurrendered to him ſoon afterwards, he put into it a garriſon of his own ſoldiers, and finding no further obſtacle deprived the earl of all the fiefs he had granted to him before, and of all his patrimony in Bretagne. Among the former was confiſcated the town of Vannes, one of the beſt in the dutchy, which the king retained in his own hands. He next exerted his indignation, with equal celerity,

A. D. 1168. upon the lords of Dinan, laid waſte their lands, and took from them three caſtles belonging to their family, two of which he deſtroyed; but was forced to ſtop his career before he had utterly ruined them, that he might attend upon Louis, eight days after midſummer; till which time their engagement to hold a perſonal conference, for the ratification of the treaty, had been deferred. That prince muſt have felt himſelf exceedingly mortified at the defeat of his friends and confederates in Bretagne, while he was diſabled from acting to their benefit or relief by the ſuſpenſion of arms before concluded. In this temper of his mind the inſinuations of Becket, or of Becket's friends in his court, working upon him more ſtrongly, he ſought for any pretences to avoid or delay the concluſion of the peace, which he had agreed to with reluctance. The revolted barons of Bretagne, whom Henry had chaſtized, demanded vengeance, or ſatisfaction, for the miſchief he had done them; and earl Eudo complained to Louis, not only of the loſſes he had ſuſtained in his property, but of a grievous outrage committed againſt the honor of his family, declaring with great lamentations, that his daughter, whom he had delivered, as a hoſtage of peace, into the cuſtody of Henry, on the late agreement between them, *was with child by that prince*. The mother of this lady being niece to the empreſs Matilda, Henry's amour with her, according to the doctrine of the canoniſts in thoſe days, was accounted inceſtuous. But the debauching of a noble virgin, entruſted to him as a hoſtage, was ſuch an offence as wanted no aggravation to render it more odious. Her father's breach of his faith, for which he had made her a pledge, might poſſibly ſeem to the paſſions of the king an excuſe for this enormity: but he ſhould have puniſhed the treaſon without violating the laws of honor himſelf. Louis received the earl's complaint with great and juſt indignation, and ſome others, not ſo well founded, which the confederated nobles of Aquitaine, to whom Henry had given the ſafe conducts they deſired,

V. Epiſt. 32. l. ii.

V. Epiſt. prædict.

desired, now urged with great warmth, as if the losses they had suffered had not been the consequences of their own disobedience, and a vengeance due to the blood of his general, the earl of Salisbury, whom they had basely and perfidiously slain. Many messengers passed, with much altercation on this point, between the two kings; during which Henry remained at la Ferté Bernard, without going to the place appointed for their conference, about two leagues from that town, on the banks of the Huines; and Louis resided at Chartres, on the other side of that river. After some time Henry promised, that he would restore to these nobles all he had taken from them: but a certain abbot of that country demanding also the restitution of some lands appertaining to his abbey, and asserting that the abbey was held of the crown of France, Henry denied that assertion. Yet finding it pertinaciously abetted by Louis, he said at last, "that, not out of regard to "any right in the king of France, but for the love of God, of "the earl of Flanders, and of the cardinal William of Pavia, if "he had possession of any thing that belonged to the abbot he "would restore it to him." When Louis was acquainted that the cardinal was at la Ferté Bernard, in the council of Henry, he expressed much resentment, saying, "he had not deserved "of the see of Rome that this legate should abet and favour "his enemies, as he always had done hitherto; and that he "would accept nothing out of regard to him or the earl of "Flanders, but would have it on the foundation of his own "right." Henry absolutely refused to yield it in that manner, which would have been an affront to both the mediators, as well as an acknowledgement of a tenure in dispute, without any proper decision. Louis then sent a message requiring him to come immediately to the place assigned for their meeting. But this difference being unsettled, and such an air of hostility appearing in all the proceedings of that monarch, he declined an interview which was not likely to have any good effects, and from which he seems to have apprehended some

A. D. 1168.

V. Epist. prædict.

A. D. 1168. danger to his perſon. Louis, having ſtayed on the bank of the Huines a great part of the day, in expectation of his coming, paſſed over, and in the preſence of all his nobility waſhed his hands in the river, and drunk ſome of the water, proteſting that he had diſcharged the faith he had plighted: after which ceremony he diſmiſſed the earl of Flanders, and moſt of the nobles who had followed him from Chartres, remaining himſelf in that place, with a ſmall number of attendants, till it began to grow dark. Henry in the mean time had received a ſecond meſſage, by which he was ſummoned to give ſatisfaction to Louis for having broken his faith. He returned no anſwer, but came unexpectedly to the river, armed, and accompanied by a multitude of armed knights. The French, ſeeing him approach in this warlike manner; ran themſelves to their arms. In a letter from which I have taken this account John of Saliſbury ſays, that an action would have enſued, if the night had not prevented it. But I think it very improbable, that, if Henry had come thither with any hoſtile intention, he ſhould not have executed it by inſtantly attacking the French, who were too few to have made any conſiderable reſiſtance. Whereas it appears, that upon ſeeing the alarm he had given, he returned very peaceably to his quarters at la Ferté Bernard. Robert earl of Dreux, and one of the brothers of the queen of France, went thither to him that night. What he ſaid to them, in juſtification of himſelf from this appearance of an intended treachery, we are not informed. John of Saliſbury ſays no more, than that he earneſtly begged of them to perſuade the king of France *not to compel him to have recourſe to the enemies of that kingdom*; meaning the emperor and empire; and that *in his words he made a ſhew of great moderation*. But one may conjecture that he alledged the danger of coming unarmed, and without a ſufficient guard for the ſafety of his perſon, to a place where ſo many of his own rebellious vaſſals, who, he knew, were exceedingly exaſperated againſt him, might, under the pre-

V. Epiſt. prædict.

V. Epiſt. prædict.

tence

tence of attending the conference, take occaſion to aſſault him. The next day he ſent miniſters to the court of Louis at Chartres, with inſtructions to employ their utmoſt endeavours to incline that monarch to conclude the treaty of peace, as it had been ſettled between them; and, in caſe of his refuſal, to ſummon the earl of Flanders, who was a pledge for that treaty, to ſurrender himſelf up, agreeably to the faith he had plighted. Louis declared, "he would make no peace "with Henry, till he had given ſatisfaction to him and his "realm, for having come upon him ſo ſuddenly, armed and "almoſt by night, though he had not been able to make a "ſingle Frenchman ſtir from his place:" adding, "that he "himſelf was ready to prove, in the court of the marches or "of the earl of Flanders, that he had freed the ſaid earl, and "others who, on his part, had intervened in the treaty, from "the obligation laid upon them. Henry's miniſters anſwer-"ed, that their maſter, on the contrary, was ready to prove, "in the court of the emperor, of the king of Arragon, or of "the king of Navarre, that he had kept his faith; and that "the earl of Flanders and the other pledges, or guaranties, "for the treaty, had violated their's." In the interim they deſired a prolongation of the truce; but this alſo was denied. A. D. 1168.

Beſides other inducements, which made Louis deſire to renew the war at this time, one was, that embaſſadors from William the Lion, king of Scotland, and from all the Welſh princes, confederated to recover the independence of their country, were now in his court, and offered him aid from their maſters againſt the king of England. The year before this, while that monarch was engaged in his foreign affairs, Owen Gwyneth, and his brother Cadwallader, aſſiſted by Rhees ap Gryffyth, had taken Ruthlan caſtle, after a blockade of three months, and then, with leſs difficulty, had made themſelves maſters of Preſtatyn; the ſurrender of which, as the fortifications of Baſingweark had been demoliſhed, and thoſe of Flint caſtle

V. Epiſt. prædict.

Welſh Chron. p. 224.

A. D. 1168. caſtle were unfiniſhed, ſubjected that province, one of the fineſt in North-Wales, to the power of Owen. This was a loſs very mortifying to Henry; and it was no improbable expectation, that the Welſh, thus victorious, might purſue their ſucceſs to the entire extirpation of the Engliſh and Flemings out of all parts of Wales, if they were favoured by a continuance of the war between the kings of England and of France, by rebellions againſt the former in Aquitaine and Bretagne, and by an invaſion from Scotland of the three northern counties, which Henry had regained in the minority of Malcolm the Fourth. The circumſtances of the time, and the diſpoſition of Malcolm, which was mild and unambitious, had made that prince acquieſce under the loſs of thoſe provinces, throughout his whole reign: but after his death, which happened on the ſixth of December, in the year eleven hundred and ſixty five, his brother William, ſurnamed the Lion from his fierce and warlike character, ſucceeding to the crown, ſought to profit by the perplexed and troubleſome ſtate of Henry's affairs at that time, in order to obtain from him a grant of the earldom of Northumberland, which he had held, in Stephen's reign, by enfeoffment from his grandfather, King David the firſt. Some late hiſtorians have ſaid, that, when firſt he came to the kingdom, he ſent embaſſadors to Henry with a demand of that province: but this is ſupported by no authority from the contemporary writers: nor is any mention made of his coming to England, either to ſue for Northumberland, or do homage to Henry for Huntingtonſhire or Lothian, as his brother had done. Only we find, by the ancient chronicle of Mailroſs, that in the year eleven hundred and ſixty ſix, when Henry went into France, William followed him thither *in quality of his vaſſal*, and *on his buſineſs*; which ſeems to imply, that he was then poſſeſſed of ſome fiefs held immediately of that king. And in a letter written a year afterwards it is ſaid, "that Henry, "being at Caen, and treating anxiouſly about a difference "between

V. Polydore Vergil. Boet. Scot. Hiſt. Buchan. & alios.

V. Chron. Mailroſs, ſub ann. 1166.

V. Epiſt. S. T. 44. l. i.

" between him and the king of Scotland, fell into ſuch a A.D. 1168.
" paſſion with Richard de Humet, for ſpeaking in favour of
" that prince, that he called him a traitor, and in the violence
" of his rage did ſome actions which appeared like diſtraction
" and frenzy, throwing off his own cloaths, and the ſilk
" coverlet of a bed on which he ſat, and chewing ſtraws that
" he pulled out of the mattraſs underneath it." The picture is drawn by the hand of an enemy; but we may reaſonably judge from it, that Henry's mind, at that time, was exceſſively diſcompoſed with a reſentment excited by ſome diſpute with that king, which probably might relate to the earldom of Northumberland.

Yet, though Louis, in confederacy with Scotland and the Welſh princes, ſeemed now determined to make war againſt the king of England in all his dominions, the exploits of this league went no further than the burning of a ſmall town and two caſtles in Normandy, by orders of the French monarch. Henry ravaged the whole country of the earl of Ponthieu, and burned above forty villages, becauſe that lord had denied a free paſſage to the troops of the earl of Boulogne, who, agreeably to the convention ſubſiſting between them, was coming to aſſiſt him in Normandy. It is very remarkable, that while this prince was actually in arms againſt Louis, a letter was ſent to that monarch, by the counteſs of Boulogne, notifying to him, " that ſome embaſſadors, who had gone from Henry to the emperor, had, on their return, paſſed through her territories; and that the emperor had ſent back with them embaſſadors from himſelf; which ſhe aſcribed to his deſire of ſhewing Henry his great readineſs to confederate with him in his war againſt Louis, whom ſhe further informed, " that, by ſome diſcourſe ſhe had held with the Engliſh miniſters, ſhe found their maſter was inceſſantly ſeeking to annoy him, and therefore gave him this notice, that he might be on his guard." In acting thus ſhe was probably, moved by

Chron. Norm.

V. Epiſt Reg. &c. apud Duchesne, tom. iv. Epiſt. 108.

A. D. 1168. by that averſion, which, as the daughter of King Stephen, ſhe had imbibed againſt Henry, and which no kindneſs ſhewn by him, either to herſelf or her huſband, nor even political intereſts, to which princes often ſacrifice both their affections and reſentments, had been able to conquer. Louis and his council were much alarmed at this letter: and their apprehenſions were encreaſed by the accounts they ſoon received of the arrival of the imperial miniſters at Henry's court. A more ſplendid embaſſy, with regard to the rank and dignity of the perſons employed therein, had never been ſent to any king. At the head of it were the archbiſhops of Metz and of Cologne, the duke of Saxony and Bavaria, and the biſhop of Liege. They brought to Henry, from the emperor and from the whole empire, large offers of aſſiſtance in his war againſt Louis; and tried to engage him to join with them in the ſchiſm; promiſing, if he would do ſo, to carry their arms into the bowels of France. He returned ſuch an anſwer as gave room to believe, that he might hereafter be induced to accept this offer, if Louis and Alexander ſhould continue to act as they had done for ſome time paſt.

V. Chron. Norm. Gerv. Chron. ſub ann. 1168.

The young princeſs of England, betrothed to the duke of Saxony, had, in the ſpring of this year, been conducted to her huſband by the earls of Arundel and of Pembroke. When they came to Brunſwick, in which city the duke then reſided, they found him in the higheſt degree of proſperity. He had juſt ſuppreſſed a great rebellion againſt him in Saxony, after having taken by ſtorm the two powerful cities of Bremen and Oldenburg. Peace being reſtored by theſe ſucceſſes and the interpoſition of the emperor, he celebrated his marriage, though the lady was not then above twelve years old, amidſt the acclamations of his ſubjects and the whole empire: after which, being deſirous to wait upon his father-in-law, he took part in the embaſſy ſent by Frederick to that king.

Nothing

Nothing could be more agreeable to Henry than this mark of reſpect and affection, at ſuch a critical time, from a ſon-in-law of ſuch power, and ſo connected with the other great princes of Germany. The French ſaw it with fear; and it contributed much to diſpoſe the king of France no longer to reject the offers of peace, which the Engliſh monarch moſt prudently continued to make with the ſame moderation as before. The earl of Blois had of late undertaken to mediate between theſe two princes, and was aſſiſted by a monk of the order of Grammont, named Bernard de Corrilo, whom, together with the priors of Montdieu and St. Peter's Vale, the pope had employed to treat with Henry upon Becket's affair, after the return of the two cardinals from their legation. The new mediators proceeded upon the plan of agreement before ſettled by the earls of Champagne and of Flanders, which Henry conſidered as unalterable; but they had better ſucceſs, for the reaſon abovementioned, and from the peculiar authority, which Bernard de Corrilo, being of an order much celebrated for an extraordinary ſanctity, could not fail of having over the mind of Louis. On the ſixth of January in the year eleven hundred and ſixty nine, the two kings met at Montmirail, where the peace was concluded on the terms before agreed to, though Henry complimented Louis with an empty profeſſion, "That he would "ſubmit all he had, himſelf, his children, his territories, "his forces, his treaſures, to be diſpoſed of in ſuch manner as "that monarch ſhould direct, without any conditions."

A. D. 1168.

V. Epiſt. Joh. Sariſb. 268.

A. D. 1169.

The articles were, 1. That Henry ſhould renew his homage and fealty for Normandy in the accuſtomed form.

Johan. Sariſb. 268. ut ſupra. Epiſt. S. T. Cant. 66. l. ii.

2. That he ſhould give up the earldoms of Anjou and Maine, and the fealty of the vaſſals thereof, to Prince Henry, his eldeſt ſon; who ſhould pay homage and fealty for them to the king of France, and owe nothing more either to his father

A. D. 1169. or brothers, with reſpect to thoſe earldoms, than merely that which their merit or nature might require.

3. That Henry's ſecond ſon, Richard, ſhould in like manner pay homage and fealty to Louis for the dutchy of Aquitaine, and ſhould eſpouſe Adelais the youngeſt daughter of that king, upon whom no portion was ſettled, but it was left to her father to give her what he thought proper.

4. That the office of great ſeneſchal of the kingdom of France ſhould be yielded up by the earl of Blois, to whom Louis had given it ſome years before, and reſtored to Prince Henry, in right of the earldom of Anjou, to which it belonged.

5. That the king of England ſhould hold Touraine, as a fief from the earl of Blois.

6. That the hoſtages given to Louis by the revolted barons of Poitou and of Bretagne ſhould be reſtored by him to Henry; and that they themſelves ſhould return to their former allegiance, upon condition of pardon for their revolt, and reſtitution of all their caſtles and lands, which had been taken from them ſince the troubles in thoſe countries began.

Such was this memorable treaty of peace, by which Henry diveſted himſelf of all his territories in France, except Normandy and Touraine, in favour of his children. But from ſucceeding tranſactions it appears, that he did not mean to give up the adminiſtration or revenues of the provinces he reſigned, till his ſons ſhould be of full age. Nevertheleſs it was a point of the utmoſt importance to the French monarchy, that, by thus ſecuring to Richard, his ſecond ſon, the great dutchy of Aquitaine, he divided and broke that maſs of power, which he had accumulated himſelf. John

of

of Saliſbury ſays, in a letter written at this time, that, when Prince Henry eſpouſed the daughter of Louis, he did homage to that king for all his father's territories belonging to France; and that the grief which the French nation had felt thereupon made them ſee this partition with greater ſatisfaction. But as no other writer of that age has mentioned this fact, and as the Norman chronicle of Robertus de Monte, a contemporary hiſtorian, expreſsly affirms, that a particular homage was done for the dutchy of Normandy, there is reaſon to think that John of Saliſbury was miſtaken, and that the cauſe of the uneaſineſs expreſſed by the French was rather ſome intimation of an intention in Henry to make his eldeſt ſon heir to all his territories in France, than an actual homage done for them, as this writer underſtood it. Indeed it is very improbable, that Louis would, at that time, by receiving ſuch homage, have confirmed a ſettlement which ſo much endangered his kingdom. The ceſſion of Anjou and Maine, as an appanage for that prince, inſtead of the dutchy of Normandy, was an alteration wiſely made for the advantage of England; it being expedient, both on account of the ſituation of Normandy, and of the connexions between the Normans and the Engliſh, that the king ſhould retain that dutchy. But it would have been better for him, if he had given up none of his dominions on the continent to any of his children, during his life. A prince of England, in becoming a vaſſal to France, was too much under the influence of the French court. This Henry ſoon found; and probably his ſagacity did not wait for experience, to be ſenſible of the danger: but he might be of opinion, that as Louis had only one infant ſon, it was ſtill adviſeable for him to keep in his view the *eventual ſucceſſion*, which by the death of her brother, might be opened to the eldeſt daughter of that monarch, eſpouſed to his eldeſt ſon; and therefore was not unwilling that the latter ſhould be made, by means of this ceſſion, an immediate member of the kingdom and body politick of France. This

A. D. 1169. Epiſt. 268. ut ſuprà.

A. D. 1169. was alſo a conſideration of no ſmall weight to induce him to reject the emperor's offers, and conſent to a peace.

The acknowledging himſelf a ſubvaſſal to the earl of Blois for Touraine ſeems to have been the effect of a preceding convention between him and that prince, in which he probably found a ſufficient compenſation for the ſuperiority he gave up; as no force had been uſed to make him do it againſt his will. The earl's credit with Louis, and his great power in the realm, might be a principal inducement to render Henry deſirous of thus accommodating an old quarrel between the neighbouring families of Anjou and Blois, and tying them together by the amicable bond of a feudal connexion. As for the dutchy of Aquitaine, he had promiſed, in the negociations which preceded the war of Toulouſe, to ſettle it on Richard, his ſecond ſon, after the conſummation of the marriage with the princeſs of Arragon, to which Richard then was engaged: but that contract having been fruſtrated by the death of the lady, this other match with Adelais of France was now made, and the ſame ſettlement annexed to it. Equity ſeemed to require, that King Henry ſhould advance his ſecond ſon to this dukedom, when his third had been exalted to that of Bretagne. A deſire of overturning the eſtabliſhment lately made in favour of the latter had been, doubtleſs, one object of Henry's enemies in this war; but it was acknowledged and further confirmed by this treaty, in the ſixth article abovementioned. And the high office of ſeneſchal, which carried with it great power in the court and kingdom of France, was, by another article, reſtored to the earls of Anjou. The moſt diſagreeable condition of the whole treaty to Henry, was the reſtitution required by it of what had been taken, during the courſe of the war, from the rebels in Poitou and Bretagne: but, as moſt of their fortreſſes had been deſtroyed by him, the returning of their lands, with a very few of their caſtles, was not likely to endanger his future tranquility; and the rebuilding of the others, though not forbidden by the treaty, he knew would

would be a work of years, which he might put a ſtop to when he ſaw a proper opportunity. Revolted ſubjects, who return to live under the dominion of the prince they have offended, have little to hope from any means of encreaſing their ſtrength, the employing of which requires a length of time. A.D. 1169.

In the abovementioned letter of John of Saliſbury it is ſaid, "that, before this treaty, Henry had frequently and "publickly ſworn, he would never again do homage to Louis "for the dutchy of Normandy, which oath he now broke." But as he had paid that homage twice before, and once ſince he was king of England, it is hard to find any reaſon by which he could juſtify ſuch a reſolution. He might indeed alledge the example of his grandfather Henry the Firſt: but the circumſtances were different. For that monarch had done nothing which could be called an acknowledgement of the right he diſputed: whereas his grandſon by his own act had given up the diſpute. I ſhould therefore ſuppoſe that the declarations, the latter is ſaid to have made, with relation to this point, were only bravadoes thrown out during the courſe of the war, which prudence taught him to forget in concluding the peace; if the whole be not an idle rumour, too lightly taken up by his enemy John of Saliſbury, whoſe malice inclined him to believe and to aggravate all reports of this nature. Epiſt. 268. See the firſt volume, l. ii.

To this meeting of the two kings at Montmirail the priors of Montdieu and St. Peter's Vale, together with Bernard de Corrilo, the monk of Grammont beforementioned, brought archbiſhop Becket, having firſt preſented to Henry a monitory letter, ſent from the pope, through their hands, in favour of that prelate. Here, by their exhortations, and by the advice of his friend, the king of France himſelf, being much preſſed *to humble himſelf before his ſovereign*, he was with difficulty, perſuaded, or rather forced, to do ſo; and kneeling to Henry ſaid, in the hearing of both courts, "that, *to the honor of God and* Epiſt. S. T. Cant. l. iv. epiſt. 8.

A.D. 1169. *and his honor, he threw himſelf upon God's mercy and his mercy.*" Theſe words appear ſatisfactory; but Henry, whom experience had rendered very cautious, apprehending that the expreſſion, *to the honor of God*, was meant to cover ſome reſerve, or eſtabliſh ſome diſtinction, in favour of the church, refuſed to accept this form of ſupplication; and, after ſome paſſionate complaints of the former behaviour of Becket, concluded with ſaying, "he deſired nothing more of him than "that he would promiſe in the preſence of that aſſembly, as "a prieſt and a biſhop, in the word of truth, *and without* "*fraud or fallacy*, to keep all the laws or cuſtoms, which "former archbiſhops of Canterbury, good and holy men, had "kept under the reigns of former kings of England, and "which he himſelf had once ſolemnly promiſed to keep." Becket replied, "that in the form of *the oath of fealty*, which "he had taken to the king, as archbiſhop of Canterbury, he "was bound to defend him in life, limb, and worldly honor, "*ſaving his order*. And this he was ready moſt chearfully to "fulfill. Nor had any more been ever demanded of his "predeceſſors in the ſee, nor was there any more due." But, as the king inſiſted ſtrongly upon his own propoſition, he ſaid at laſt, "that, although none of his predeceſſors had done or "promiſed this, and he was not obliged to it in duty, yet, "for the peace of the church, and to obtain the king's favour, "he would promiſe to keep thoſe cuſtoms which had been "kept by his holy predeceſſors, *ſaving his order*, and *ſo far* "*as he could do it according to God.*" He further added, "that, to regain the king's affection, he would do all he could "*without prejudice to the honor of God.*"

V. Epiſt. 85. l. i. On this I would obſerve, that we have a letter to Becket, written ſome time before, from the biſhop of Liſieux, and which has already been cited on another occaſion, wherein are theſe words; "It will not be for your intereſt *to recur to par-* "*ticulars*, but as much as poſſible *to ſtick to generals*. For "our cauſe is ſafe, *unleſs articles particularly expreſt deſtroy our* "*liberty.*

" *liberty*. If we profeſs ourſelves bound to fidelity, reverence, " and obedience to the king; if we offer our fortunes and " perſons to be employed to his honor and ſervice; if we " promiſe to obſerve the royal dignities and ancient cuſtoms, " *ſo far as they do not contradict the law of God*, it does us *no* " *hurt*; becauſe in all theſe things we are by no means bound " againſt our duty. If therefore under this, or any other like " form of words, which can be thought of, the divine good- " neſs ſhould procure peace to you and your's, *reſerve the* " *interpretation of theſe words to future times.*" On this plan it is evident Becket intended to proceed: but, Henry, who well underſtood, that the exception, he threw in, would render the promiſe, he made, of no effect, rejected his offers, unleſs he would ſwear *preciſely and abſolutely* to keep the royal cuſtoms: which he refuſing, though adviſed and preſſed to do it by many, the king departed without their peace being made. V. Epiſt. 8. l. iv.

This is the account which was given of this meeting by the priors of Montdieu and St. Peter's Vale, in their letter to the pope. V. Epiſt. 6. ibidem. And agreeably to this Becket himſelf wrote upon it to his Holineſs. He alſo repeated the ſubſtance of it in a letter to the king immediately after the conference. V. Epiſt. 5 ibidem. Quadrilogus. Gerv. Chron. ſubann. 1169. But, ſome contemporary hiſtorians relate other particulars, not mentioned in thoſe letters. It is there ſaid, that King Henry, after many reproaches againſt Becket for pride and ingratitude, addreſſed himſelf to Louis in the following words: " My liege, attend, if you pleaſe: whatſoever he diſlikes he ſays " is againſt *the honor of God*; and thus he would diſpoſſeſs " me of all my rights. But that I may not in any thing ſeem " to deſire unreaſonably to oppoſe him, *or the honor of God*, " this is my offer. There have been many kings of England " before me, ſome who had more power than I, and others " who had leſs. There have been before him many arch- " biſhops of Canterbury, great and holy men. *What therefore* " *the greateſt and holieſt of his predeceſſors did for the leaſt of* " *mine, let him do for me, and I ſhall be ſatisfied.*" At which all the

A.D. 1169. the aſſembly expreſſed their ſatisfaction in the king's condeſcenſion; and Louis himſelf ſaid to Becket, upon his remaining ſilent for ſome time, "My lord archbiſhop *would* "*you be greater or wiſer than all thoſe holy men?* Why do you "heſitate? See! your peace is at hand." But he replied, "It was true; many of his predeceſſors were better and "greater than he; but every one of them had, in his own "times, cut off ſome things which raiſed themſelves up againſt "God, though not all. For, if they had entirely eradicated "all, he ſhould not be now expoſed to this fiery trial, by "which being proved, as they had been, and partaking their "labour, he might alſo be found worthy of their praiſe and "reward. Nor, if any one among them had been too cool, "or too immoderate in his zeal, was he bound to follow his "example, one way, or another." He added other arguments to the ſame purpoſe, concluding, "that the primitive "fathers had ſuffered martyrdom, becauſe they would not "ſubject the name of Jeſus Chriſt to any other name: nor "would he, that he might recover the favour of a man, give "up the honor of Chriſt."

V. Epiſt. 8. l. iv. The eccleſiaſtics employed in this buſineſs by the pope, further acquainted his Holineſs, "that when, according to "his orders, they exhorted the king of England to reſtore "Becket to his favour, his anſwer was, that perhaps he might "be adviſed to reſtore him to Canterbury, but to his favour "he never would, *becauſe by ſo doing he ſhould loſe the benefit* "*of that privilege his Holineſs had conferred on him by a for-*"*mer letter, which ſuſpended that prelate from all authority over* "*him till he had recovered his favour.*" It is wonderful that Henry ſhould ſpeak ſo plain on this matter! for he might be almoſt certain that the pope would take from him a privilege, of which he openly declared he would make a uſe ſo repugnant to the intentions of the giver.

Some time after this conference, a new interview being appointed between the two kings, the ſame monks, who had

before delivered to Henry a letter of *admonition* from Alexander, now delivered to him another of *commination*; assuring him, that, if, before the beginning of Lent, he did not comply with the repeated exhortations sent to him from that pontif, his Holiness would no longer restrain the archbishop, as he had hitherto done. "*For he ought not to imagine, either* "*that the Lord, who now slept, might not be awakened*; *or that* "*the sword of St. Peter was so consumed with rust, as that it* "*could not be drawn, and exercise a proper vengeance.*" He very unwillingly received these letters; and, after much discourse on the subject of them, returned this answer, "I did "not drive my lord of Canterbury out of my kingdom: "nevertheless, if he will hereafter do his duty to me, *and* "*obediently observe and maintain to me what his predecessors* "*have observed and maintained to mine*, I will, out of reve- "rence to the pope, permit him to return into England, and "remain there in peace."

A. D. 1169. V. Epist. 1. l. iv.

V. Epist. 10. l. iv.

According to the account sent to Alexander by Becket himself, Henry had been persuaded, at the instance of the monks, and of the most Christian king, not to mention the royal customs on this occasion. Yet that prelate observes very justly, *that, although he changed his word, he adhered to his purpose*, insisting still upon the same absolute promise of the obedience paid by former bishops to former kings. But, as in the course of their conference he made some variations in the terms of his answer, the monks desired he would give it them by letters patent, to be sent to the pope for their greater security against any mistake; which he peremptorily refusing, they departed from him exceedingly discontented.

V. Epist. 6. l. iv.

When they made their report to Becket of what had past, he adhered to his former savings *of the honor of God, and of the rights of his order*; alledging, "that, without the autho- "rity of the pope, he could not change the ecclesiastical form "of allegiance *observed by the whole western church*, and clear- "ly expressed in those very ordinances, which had occasioned

V. Epist. 6. 10. l. iv.

A. D. 1169. "his baniſhment; it being there ſaid, that biſhops are obliged "to ſwear fealty to the king, *ſaving their order.*" Henry did not propoſe to make any alteration in the oath of allegiance; and conſequently this objection had no real weight: but the archbiſhop ſuppoſed, that, becauſe this exception had been indiſcreetly admitted into the oath of allegiance, it ought to be in that he was now required to take, though it would have entirely defeated the purpoſe for which the latter was exacted.

V. Epiſt. 26. l. iv. In the letters he wrote on this affair he exulted greatly, "*that the king, who before endeavoured to diſguiſe it, had now plainly confeſſed, that the conſtitutions of Clarendon were the ſole cauſe of the perſecution he ſuffered.* And, conſidering how unjuſtly and cruelly he had been treated, he moſt earneſtly implored the pope, to exact from the king whatſoever had been taken from him and all his friends, *even to the laſt farthing*; aſſuring his Holineſs of a certain triumph, if, inſtead of continuing his late too moderate meaſures, he would immediately exert *the rigour of juſtice.*" He alſo entreated him, "not to abſolve the *malefactors*, he (Becket) had excommunicated." Theſe *malefactors* were ſeveral of the moſt eminent prelates and barons of England. For, having waited the term preſcribed to him by the pope, and being therefore reinſtated in his former authority, he had at once excommunicated the biſhops of London and of Saliſbury, the archdeacon of Canterbury, (whom in a letter to the pope he calls *the Arch-devil of Canterbury)* Nigel de Sacville, and Thomas Fitz-bernard, officers of the king's houſehold, Hugh de St. Clare, Hugh earl of Cheſter, Richard de Lucy, Great-juſticiary, and other chief men of the kingdom. All this was done between Palm-ſunday and Whitſunday, without any notice of it having been given to Alexander.

V. Epiſt. 20. 24. l. iii.

V. Epiſt. 39. 40. 43, 44. l. iv. Epiſt. 92. ib.

The biſhop of London, from an apprehenſion of the ſtorm that was coming upon him, had, with the biſhop of Saliſbury, interpoſed an appeal to the pope. But his excommunication having been notified in the church of St. Paul, on Aſcenſion-

day, by one of Becket's agents, he aſſembled the clergy, and A. D. 1169.
proteſted againſt the ſentence, "becauſe the archbiſhop had "not cited him as he ought to have done; becauſe, againſt "all the rules of juſtice, that prelate was accuſer, witneſs, and "judge; and becauſe, till ſuch time as he ſhould come into Eng-"land, he could not act as legate there." But the moſt remarkable objection was, "that he had no juriſdiction over the ſee of London, becauſe that church had a right to the metropolitan dignity, which it had loſt to Canterbury only by the irruption of the pagans (that is, the Anglo-Saxons) as the biſhop ſaid he could prove." It muſt indeed be confeſſed, that, in the firſt inſtitution of metropolitan ſees, that dignity was appropriated to the capital cities; the eccleſiaſtical ſuperiority being eſtabliſhed in conformity to the civil. But John of Saliſbury, V. Epiſt. 19, l. iii.
with great ſharpneſs, ridiculed this pretenſion, in a letter he wrote to the monks of Canterbury about that time. He ſayed, "the biſhop was appriſed that the city of London, before "Chriſtianity was eſtabliſhed in England, had been the ſeat "of the Arch-flamen of Jupiter; and perhaps the prudent "and religious man had thoughts of reſtoring the worſhip "of Jupiter; *that ſince he could by no other means be an arch-*"*biſhop, he might obtain the title of Arch-flamen.*" The latter words of this paragraph alluded to a notion encouraged by Becket, but ſtrongly denied by the biſhop, that all the malevolence of that prelate to him was the effect of a diſappointment in the hopes he had conceived of being himſelf promoted to Canterbury. And this obſolete claim gave more weight to that report; as it looked like a reſource of diſappointed ambition. He ſeems himſelf to have been ſenſible, that it would do him no ſervice, and therefore reſted his cauſe upon the many informalities in the proceeding againſt him, and upon the appeal he had previouſly made to the pope, which he implored the king V. Epiſt. 46. ibid.
to recommend to his Holineſs by his own letters, and by all the credit of his friends in the ſacred college. Henry in his V. Epiſt. 47. ibid.
anſwer aſſured him, that he reſented the ſentence paſſed upon

A. D. 1169. him and other perſons of his realm, by his traiterous adverſary Becket, *no leſs than if he had vomited out his poiſon upon his own perſon:* and accordingly wrote to Alexander with moſt bitter complaints, "that, after his Holineſs had granted him "judges to hear his cauſe, he had exempted his adverſary from "their juriſdiction, who now had added a new injury to the "innumerable others done to him before, by having excom-"municated the biſhops of London, and Saliſbury, after an "appeal made to his Holineſs, and when they were ready "to anſwer according to law, not cited, not called, not con-"victed, not admoniſhed. That Becket had alſo anathema-"tized ſome of his neareſt ſervants, having no reaſonable "cauſe to alledge for it; which he took no leſs ill than if "the ſentence had been paſſed againſt his own perſon. That "it ſeemed as if the pope had entirely abandoned all care "of his ſon, and had given him up to the malice of his "enemy. He therefore entreated his Holineſs by his own "authority to annull theſe proceedings of Becket."

V. Epiſt. 48. l. iii.

The archbiſhop of Roüen alſo wrote very warmly to Alexander in vindication of his friend, the biſhop of London, witneſſing for him, that in a ſecret converſation, where only the king and they were preſent, he had laboured with all his power to obtain peace for Becket. And ſome Engliſh prelates ſent letters to the ſame effect, adding the higheſt encomiums of his morals, piety, learning, and *of the mildneſs of his temper, for which he was univerſally renowned above all the biſhops in England.* Indeed there was no need of theſe teſtimonies in his favour: for Alexander himſelf, in his own letters, had expreſſed the ſame opinion of him, even ſince the beginning of the diſpute with Becket. But yet the friends of the latter made no ſcruple to call him, in the letters they wrote to each other, *a wolf in ſheep's cloathing, parricide, and forerunner of Antichriſt.*

V. Epiſt. 49, 50, 51. l. iii.

V. Epiſt. 37, 67. l. i.

V. Epiſt. 24. l. iii.

As ſoon as the pope had ſome intelligence, from his correſpondents in France, of the archbiſhop's proceedings, though

though he did not yet know exactly what he had done, he testified his surprise at the impatience with which that prelate had acted; and (to use the words of the letter) "exhorted, besought, and admonished him to suspend whatever sentence he had past, till he should know how the nuncios, who were coming to negociate a reconciliation between him and the king, would succeed in their commission." These nuncios had been sent at the desire of that prince; and Alexander was aware, that the archbishop, who wished for no more negociation, would be much displeased at their coming. He therefore accompanied the notification of it with an assurance, "that if in two or three months the king should not be mollified by the forbearance, which, in hopes of a peace, it became them both to grant him, he would give him full liberty to revoke this indulgence, before the nuncios should leave France." And in the direction of the letter he styled him *legate of the apostolical see*, which shewed that he considered him as restored at this time to the full authority of that office. The only power upon earth which Becket respected was that of the papacy; yet so intractable was he, that he absolutely contemned the admonitions and exhortations thus sent from the pope; nor would he take off the excommunication he had laid on the bishop of Salisbury, though Alexander entreated him, by a particular letter, that, *in consideration of the singular affection he had for that prelate, grounded on a long intimacy of friendship between them; and as the bishop acted not from the dictates of his own mind, but from fear of the king, and through the natural infirmity attending old age, he would deal gently with him, and till the return of the nuncios sent to the king do nothing against him.* This letter indeed was not received by Becket till after the sentence of excommunication was past. Yet when he pronounced it, he well knew (as appears by some passages in the letter itself) how dear the bishop was to the pope. It was therefore a very great disrespect to his Holiness, to do such an act, without having particularly apprised him of it, and obtained his leave. But, that upon the receipt of A.D. 1169.

A. D. 1169. of ſo warm an interceſſion from a friend, who could have commanded what he begged for, he did not inſtantly revoke the ſentence, is a moſt aſtoniſhing proof of the implacable violence of his reſentment, and the inflexible obſtinacy of his temper.

Henry had for ſome time been uſing his utmoſt endeavours to prevail on the pope, that, by orders from his Holineſs, Becket ſhould be called out of France, and tranſlated from Canterbury to ſome foreign ſee. It has been mentioned before, that this expedient was recommended by William of Pavia, during his legation in France; and, though the archbiſhop proteſted moſt violently againſt it, a more gentle or proper method to finiſh the diſpute could hardly be found. Extraordinary means were therefore uſed by the Engliſh miniſters at Beneventum to obtain this point for their maſter. They promiſed Alexander, in his name, to procure for him a peace with the emperor and the Saxons. They offered to buy, in his behalf, all the Roman nobility who ſtood out againſt him, and to give him, for his own uſe, ten thouſand marks, a preſent equal to one of a hundred thouſand pounds in theſe days. They moreover aſſured him of their maſter's permiſſion to ordain whom he pleaſed, as well in the ſee of Canterbury, as in all the other ſees that were then vacant in England. But, whether he thought that in ſome of theſe particulars the king offered more than he would be able to perform, or whether his knowledge of Becket's unalterable reſolution, not to accept of any other ſee, made him unwilling to propoſe his removal from Canterbury, he rejected all theſe temptations. Henry laboured to overcome the reluctance he found in him, by the interceſſion of others, who might have, probably, a greater influence over his mind, or would embarraſs him more from the difficulty of reſiſting their ſollicitations. With this intention he gained the biſhop of Syracuſe, who was a native of England, by an offer of the ſee of Lincoln, and

V. Epiſt. 79, 80. l. iii.

propoſed

A. D. 1169.

propoſed to the king of Sicily, on whoſe protection the pope in a great meaſure depended, a contract of marriage with Johanna his daughter, if that monarch would aſſiſt him in this affair. The propoſal was too agreeable to be refuſed; and the tranſlation of Becket, or his removal from Canterbury in ſome other manner, was vehemently preſſed by the court of Sicily. Henry likewiſe applied to thoſe cities in Italy by whoſe arms the pope was ſupported. He promiſed to give the Milaneſe three thouſand marks, and to build up their walls, which had been demoliſhed by the emperor, more ſtrongly than ever, if they could gain for him this moderate and reaſonable requeſt. To Parma he offered a thouſand, as much to Bologna, and to Cremona two thouſand. He alſo bribed with large ſums the principal barons of Rome, who were of Alexander's party. But not all theſe united could ſhake that pontif, whom the apprehenſion of diſguſting the king of France rendered as obſtinate in this point as Becket himſelf. The Engliſh miniſters could obtain no more for their maſter, than that two nuncios ſhould be ſpeedily ſent into France to negociate an agreement between him and Becket, which in effect was nothing elſe but a further delay of the excommunication, he feared from that prelate.

V. Epiſt. 78. 82. 85. 87, 88. 91. l. iii.

During the courſe of theſe tranſactions the biſhop of London endeavoured to perſuade all his brethren to join in his appeal to the pope. But, except the biſhop of Saliſbury, who had originally concurred with him in it, they all refuſed it on various pretences. The biſhop of Wincheſter's excuſe was peculiar. He ſaid "it was a rule of the divine law, that whoever was ſummoned by a ſuperior judge could not appeal to an inferior; and therefore he, being called by his age and infirmities to appear before God, could not attend an appeal in an earthly court." Nor were theſe prelates content with merely declining, in this inſtance, to make a common cauſe (as they had formerly done) with the biſhop of London;

A. D. 1169. London; but obſtinately refuſed to hold communion with him, and even publiſhed injunctions through their ſeveral dioceſes, that all men ſhould avoid him; though the king had ſent orders particularly forbidding any regard to be paid to his excommunication. So great was their reſpect to the legatine power with which Becket was inveſted.

The biſhop of Wincheſter, notwithſtanding the aſſent he had given to what had been done in the parliament at Northampton, and by other ſubſequent acts, in which he had concurred, againſt that prelate, intrigued with him now, and favoured him, out of hatred to Henry. But his power was loſt, and that ſpirit, ſo formidable once to the crown, was in a great meaſure broken. He had received from the king, who thought it neceſſary to keep him as low as he could, ſo many and ſo grievous mortifications, that, to obtain a diſmiſſion from the court and the world, he expreſſed a deſire of reſigning his biſhoprick, with the conſent of the pope, which he applied for through Becket, but received a denial. And, not long afterwards, he was ſo heavily incumbered with debts, and diſtreſſed for want of money, that he even ſold the golden croſs belonging to his church: for which Becket, though in exile, and much his friend at that time, reprimanded him as his metropolitan, and injoined him to reſtore it. Into ſuch meanneſs and miſery did this great prelate fall at the latter end of his life! Yet, upon this occaſion, ſome ſparks of his former character kindled, and broke out a little; ſo as to make him again a favourite with what may be called *the High Church Party* of thoſe days, but in a degree much inferior to Becket.

V. Epiſt. 114. l. i.

V. Epiſt. 113. l. i.

Henry now ſaw, with no little uneaſineſs, what he had to expect from his biſhops, if the cenſures he was threatened with, by his exaſperated adverſary, ſhould fall on his perſon. Nor could he reaſonably entertain a hope, that Becket would delay the inflicting of them any longer, than till the next feaſt of the purification of the bleſſed Virgin; that pre-

V. Epiſt. 79. c. iii.

late

late having ſent letters to the convent of Canterbury and to the clergy of his dioceſe, commanding them from that time to ſtop the celebration of divine ſervice in their churches, and declaring, he was reſolved not even to ſpare the king's perſon, if that prince did not repent, and make a proper ſatisfaction to all he had injured. Upon theſe acts of hoſtility, Henry ſent a Norman biſhop and the archdeacon of Canterbury to the French king, with orders to require of that monarch, both on account of the alliance, and the feudal connexion between them, that he ſhould expell the archbiſhop out of his kingdom. But Louis anſwered, "*that he had derived from* "*his anceſtors this, as an hereditary right, and a perpetual* "*cuſtom of the realm of France, that all who were baniſhed for* "*the ſake of juſtice ſhould there be kindly received. Nor would* "*he ever give up an inheritance ſo honorable and pleaſing to* "*God.*" Such noble ſentiments were never ſo ill and impertinently applied: as Becket, inſtead of having been *baniſhed for the ſake of juſtice*, had *fled from juſtice*, and oppoſed, with all his power, the due execution thereof againſt offending churchmen. Louis added, more truly, "that he had received "the archbiſhop from the hands of the pope, *whom he ac-* "*counted his only Lord upon earth*; and therefore, neither out "of regard for the emperor, nor for the king of England, "nor for any power in the world, would he ſend that pre- "late away, or ever ceaſe from protecting both him and his "cauſe, ſo long as they wanted protection; becauſe God was "with him, and for the maintenance of God's law he en- "dured ſo many loſſes and wrongs." Of this Becket himſelf wrote an account to his friend, the biſhop of Oſtia, and in the ſame letter complained, "that ſome, *who were not filled* "*(as Louis was) with the ſpirit of God*, adviſed him not to de- "mand a reparation of damages, and, if a peace ſhould be "treated of, to paſs over all matters as lightly as poſſible; "not conſidering how dangerous it would be in the prece- "dent, if ſecular powers ſhould be thus encouraged to

A. D. 1169.

V. Epiſt. 79. c. iii.

V. Epiſt. 79. l. iii.

A.D. 1169. "proſcribe and to baniſh innocent perſons, and then be re-
"conciled to the church, whenever they pleaſed, with great
"damage to her, and great profit to themſelves. He affirm-
"ed, that the pope might eaſily carry this point: *becauſe*,
"(ſays he) *though the king may affect to throw out menaces, he*
"*really ſhook with fear, from the time that he ſaw his contu-*
"*macious biſhops, with other accomplices of his malice and in-*
"*ſtruments of his iniquity, delivered over to Satan, for the*
"*deſtruction of the fleſh. When they are once cruſhed, he will*
"*be more eaſily and ſooner ſubdued, and all his thunder will be*
"*turned into rain. Believe me, who have experience, who know*
"*the manners of the man, and have ſtood all the brunt and*
"*heat of the day, nor am yet afraid of the conteſt, for the ſake*
"*of the Lord and the liberty of the church; believe, that he is*
"*one of ſuch a diſpoſition, as nothing but puniſhment can mend.*"
He deſires the biſhop to repreſent all this to the pope, and to obtain of his Holineſs, and of the ſacred college, "*that the*
"*apoſtolical ſee may, through his ſufferings, acquire liberty for*
"*the church of England.*" Proteſting, "*that he choſe rather*
"*to die in the bitterneſs of baniſhment for the Lord, than to*
"*ſee the church prophaned by the execrable traditions of tyrants,*
"*and the divine law rendered of no effect.*

While he was thus urging on, by all the means in his power, the excommunication of Henry, that king was employed in ſecuring to himſelf, and to the young princes, his children, the benefits he had gained by the peace of Montmirail. His eldeſt ſon was accordingly ſent by him to Paris, where, on a day of ſolemnity, he publickly ſerved the king of France at his table, as ſeneſchal of that kingdom, in right of the earldom of Anjou, with which he now was inveſted. This ceremony confirmed the reſtitution obtained by the abovementioned treaty of that high feudal office, which a contemporary writer affirms to be the ſame as that of *Maire du Palais*. And not long afterwards, in the ſpring of this year

Robertus de Monte, Chron. Norm. p. 1003.

year eleven hundred and ſixty nine, Prince Geoffry Plantagenet, as duke of Bretagne, went to Rennes, and received the homage of all his great barons. Thus, notwithſtanding the many difficulties, which his quarrel with the king of France had thrown in his way, and all the embaraſſment of his other affairs, did Henry complete the eſtabliſhment of his ſon in the dutchy of Bretagne; an acquiſition of vaſt importance to his power and intereſts, not only in France, but in England!

A. D. 1169.

Robertus de Monte, ut ſupra.

But the troubles in Aquitaine were not ſo eaſily pacified. For, ſome diſputes having ariſen about the reſtitutions, which had been ſtipulated in the treaty of Montmirail, many of the barons who had revolted in Gaſcony and Poitou continued in arms: ſo that Henry was compelled to go thither himſelf, in order to ſuppreſs their rebellion, which he effected by the deſtruction of ſeveral caſtles belonging to the earls of Angouleſme and La Marche. Theſe great lords being reduced, and treated by Henry with his uſual clemency upon their ſubmiſſion, the malecontents of leſs note were ſoon ſubdued; and, by the beginning of Auguſt, the tranquillity of thoſe provinces was fully reſtored. When the king had ſpent ſome time in duly ordering and ſettling the government there, he returned into Normandy, and made ſtrong lines for the protection of one part of the frontier, which, having no river to defend it, was expoſed to depredation from ſudden incurſions. He likewiſe built a new caſtle at Beauvoir en Lions, having a conſtant attention in time of peace to all that would ſecure his territories in war. At the ſame time he carried on other great publick works for the benefit of his people; particularly a bank or dyke, on the north ſide of the Loire, beginning about thirty miles above Angers, and continued to that city, in order to confine the overflowings of the river, which frequently happened with ſo much violence, that they ruined the country. No monument that can be raiſed to the me-

Id. ibid.

See Carte, ſub ann. 1168.

A. D. 1169. mory of a king is ſo glorious as theſe, which he erects for himſelf while he is only intent on doing good to his ſubjects.

V. Epiſt. 6. l. iii. 27. Gratian and Vivian, the two nuncios ſent by the pope, repaired to Henry in Normandy upon his return out of Gaſcony. They came with limited powers, and a form of agreement preſcribed by Alexander, to which if they could not induce the king to conſent, they were ordered to leave him; and, for fear they ſhould be corrupted, they were bound by an oath to accept no preſent from him, not even their charges while they remained at this court, *till the peace was concluded*. I uſe the word *peace*, becauſe it is uſed in Alexander's letters and thoſe written by Becket concerning this affair, as if he and the king, his maſter, had been two independent potentates at war with each other.

Id. ibid. When the nuncios delivered the pontif's letters to that prince he was greatly diſturbed; and, in a conference which he afterwards held with them on the buſineſs they were ſent to negociate, he let drop ſome very warm and angry expreſſions; upon which Gratian, who was nephew to Pope

V. Epiſt. 6. l. iii. Eugenius the Third, ſaid to him, "Sir, do not threaten; "we fear no threats: *for we are of a court that has been ac-* "*cuſtomed to give the law to emperors and to kings.*" Nevertheleſs Henry ſeemed to be abſolutely determined that they ſhould not give it to him; and before he would treat of a reconciliation with Becket, on any terms, inſiſted poſitively and pertinaciouſly, that thoſe of his ſervants, whom that prelate had excommunicated, ſhould be abſolved. This not being agreed to, he broke off the conference, mounted his horſe, and proteſted with an oath, that he never would hear another word, from the pope or any man living, upon the ſubject of Becket's return to Canterbury. The nuncios, ſtartled at this, thought it neceſſary to yield the point in diſpute; and the negociation was renewed: but other difficulties ariſing about

V. Epiſt. 27. l. iii.

the

the preliminaries, Henry departed again, with marks of great displeasure; and being told by his bishops, that a mandate from the pope, requiring them to perform whatever injunctions should be given by the nuncios, had been communicated to them, he answered: "It is no matter: I know what they "will do: they will put my dominions under an interdict. "But cannot I, who am able to take a strong castle every "day in the year, arrest an ecclesiastic, who shall have the "boldness to offend me by such an act?" This language brought the nuncios to be more complaisant; and they came to an agreement with him, that three of his servants, Nigel de Sacville, Thomas Fitz-bernard, and the archdeacon of Canterbury, who then were attending upon him, should be absolved the next day; and that one of the nuncios should go over to England, in order to absolve the excommunicated there; on which conditions the king, out of devotion to God, and for the love of the pope, would permit the archbishop to come to him in safety, and to receive his archbishoprick in good peace and with firm security, as entire as he had possest it before he left the kingdom, and to hold it *to the honor of God and of the Church, and to the honor of the king and of his children.* It was also stipulated that a like restoration should be granted to those who were in banishment with and for the archbishop. This was the form of reconciliation, which, (if we may believe the report that the nuncios made to the pope) was written down with the king's entire consent, and without the addition of any other words. But they say that the next morning he changed a word in the writing, instead of *children* putting *heirs*; which alteration they admitted without dispute. And, upon their asking him, whether he would agree to give the archbishop *the kiss of peace?* he said, "*the peace* "*should not be hindered for so little a matter.*" They were much pleased with this answer, and immediately after it, absolved his three servants. But they tell the pope in their letter that they were exceedingly surprised and confounded, when the

A. D. 1169.

V. Epist. 27. l. ii.

A. D. 1169. the abſolution having been given, the king, inſtead of the words *to the honor of his heirs*, in the written agreement, inſerted theſe, *ſaving the dignity of his kingdom*; and that they left him thereupon, and went to Caen. They further add, that, as he was obliged to go from Baieux, where the conference had been held, in order to meet the earl of Flanders at Roüen, he referred the negociation to a council compoſed of all the principal biſhops and temporal lords of his dominions on the continent, together with ſome of the Engliſh, who then were with him in France. They acknowledge that all theſe very ſtrongly inſiſted upon retaining the clauſe inſerted by the king; to which they agreed, on condition that another ſhould be added, *ſaving the liberty of the church.*

V. Epiſt. 27. l. iii.

V. Epiſt. 13. l. iii.

But this expedient not being ſatisfactory, ſome of the biſhops propoſed, that, leaving all *ſavings* out, the agreement ſhould be drawn up in the following words, *that, for the love of God and of the pope, the king ſhould permit the archbiſhop to return into England, and enjoy his archbiſhoprick as entire as before he went out of the kingdom: and that all thoſe perſons who went with him, or on his account, ſhould be likewiſe reſtored to their own.* The brevity and ſimplicity of this form being approved by all the aſſembly, they recommended it to the king, in a letter which was carried by the archbiſhop of Roüen. The nuncios alſo agreed to it, and Henry was at firſt ſo far ſatisfied with it, that he ſent for them to Roüen. But after they had waited for him there ſome time, in the archbiſhop's palace, they received a meſſage from him, to let them know, that he wou'd on no account recede from the clauſe, *ſaving the dignity of his kingdom:* whereupon they departed without coming to any agreement. When they reported to Becket the king's final reſolution, he cooly ſaid, that he would conſent to maintain the dignity of the kingdom, *ſaving the rights of his order, and his fidelity to the church of Rome.* This is the account given by Vivian in a letter to the pope, which, he ſays, had been ſeen and approved by his colleague. But there

is very ſtrong evidence againſt the truth of it, in one circumſtance of great moment. For the king, in a letter he wrote himſelf to the pope on this occaſion, affirms, that *before the abſolution given to his three ſervants*, the nuncios had, *without the leaſt contradiction*, agreed to the words, *ſaving the dignity of his kingdom*. But that the next morning, *by whoſe inſtigation, or from what ſpirit he knew not, they refuſed to ſtand to their agreement, objecting to that expreſſion*. And this account is corroborated by the teſtimony of the archbiſhop of Roüen, the biſhop of Nevers, and the whole clergy of Normandy, who, in their letters to the pope, declare with one voice, *that the nuncios, having agreed to admit of thoſe words, had preſently afterwards revoked their conſent, and refuſed to perform what they had ſettled*. Indeed they do not ſay, that the words had ever been agreed to *without contradiction*; but that an abſolute conſent was given to them at firſt; and retracted afterwards by the nuncios, they all aſſert. Nor is it probable that the king ſhould have admitted a form of reconciliation, which, without the addition of this clauſe, was at leaſt as exceptionable as the words uſed by Becket, which he had rejected with ſo much indignation in the late interview with that prelate at Montmirail. And ſuch a tame acquieſcence agrees ill with the language, which in his former conferences with the nuncios he certainly held, and with all his behaviour in the courſe of this negociation. I therefore believe that the nuncios at one time did conſent to this clauſe; but that having reflected more upon it, and perhaps talked on the ſubject with ſome friends of Becket, they were afraid they ſhould draw upon themſelves the whole tempeſt of that prelate's rage, and, rather than ſtand it, retracted their conſent the next morning. Nor was it unnatural that they ſhould deſire to conceal from the pope their having made a conceſſion, which, in all probability, was not authoriſed by their inſtructions. For they themſelves had told Becket, that it was not in their power to do any thing

A. D. 1169.

V. Epiſt. 20. l. iii.

V. Epiſt. 5. l. iii.

A.D. 1169. thing to his prejudice, or to the diſhonor and detriment of the church. Indeed the archbiſhop of Roüen, the biſhop of Nevers, and all the prelates and clergy of Normandy uſed their utmoſt endeavours, in letters to the pope on this ſubject, to make his Holineſs think, the words propoſed by the king would not hurt either the liberty or dignity of the church; "becauſe neither could princes obtain ſal-
V. Epiſt. 21, 22, 23. l. iii. "vation without the church, nor the church peace without "their protection." But John of Saliſbury, in a letter to the biſhop of Poitiers, ſaid truly, "*if the king had obtained*
V. Epiſt. 13. l. iii. "*that his clauſe ſhould be inſerted in the agreement, he had* "*carried his royal cuſtoms, only changing the name.*" Becket holds the ſame language in ſeveral of his letters, ſaying,
V. Epiſt. 54. 55, 56, 57, 58, 59, 60. "*the dignity of the kingdom was only a ſofter name for the con-*
"*ſtitutions of Clarendon.*" He alſo complains very bitterly, that in this form of peace no mention was made of reparation of damages. But at the ſame time he tells the pope, "that
V. Epiſt. 54. l. iii. "the king now declared, *he did not demand of him any account* "*of his adminiſtration as chancellor, nor the money he then had* "*received, or ſtood engaged for*, but only what he had received "that belonged to the crown *ſince he was made archbiſhop of* "*Canterbury*; for which (he ſays) it was univerſally known "that *he had accounted.*" He reports this to ſome of the cardinals with whom he correſponded, in terms yet more to his own advantage; ſaying, that the king had now acknowledged to the nuncios and others, *that he* (Becket) *was not bound to*
V. Epiſt. 56. 60. l. iii. *any account of his adminiſtration as chancellor, or of the money he had received while he held that employment.* But to others he expreſſes it, as he does to the pope, that the king *did not demand of him any account*; which is a very different thing from acknowledging, *that he was not bound to give one.* Certain it is, that in this negociation Henry waved that demand; for no notice is taken of it in any of the letters relating thereto, nor in the terms of agreement. Indeed it would have been a perpetual

perpetual obſtacle to an accommodation, as Becket would not ſubmit to any judgement upon it, and could not have paid it, had he been ſentenced to do ſo by Alexander himſelf. Perhaps too Henry might now begin to feel, that, by ſubmitting to the pope a cauſe of ſuch a nature, he himſelf gave a grievous wound to the dignity of his crown. Yet, though he might have reaſons for dropping his claim at this time, he could have none to allow that it never had been due. Nor is it credible, that he ſhould ſo lightly have impeached his own juſtice and that of his parliament. A. D. 1169.

But Michaelmas day being now paſt, without hopes of a reconciliation between him and Becket, as neither of them would give up the point in diſpute, a letter was ſent from the nuncios, to notify to thoſe whom they had abſolved, that the abſolution was void; and immediately afterwards they prepared to return into Italy. Gratian went firſt, being much diſſatisfied with Henry's proceedings. Nor did Vivian long delay to follow his colleague; but he had not gone far, when he received a letter from the king, who entreated him to return, and gave him his royal word, that he would make peace with Becket, according to the pope's mandate and his advice. What drew from him this promiſe was an information given to him, that the archbiſhop of Sens, who was a moſt zealous friend to Becket, had ſet out with Gratian, which made him apprehenſive, that, on their report to his Holineſs, the excommunication and interdict, with which he had been threatened, would be immediately laid on his perſon and territories. He had found Vivian a man of ſome moderation; and he hoped, that by continuing a negociation with him, he ſhould tie Becket's hands, and obtain at leaſt the delay that was neceſſary for him in order to know the ſucceſs, which the archdeacon of Saliſbury and Richard Barre, whom he had diſpatched to Beneventum preſently after the conference at Montmirail, had met with in that court. Vivian came back immediately on the receipt of this letter; but

V. Epiſt. 37. l. iii.

V. Epiſt. 49. l. iii.

V. Epiſt. 61. l. iii.

V. Epiſt. 9. l. iii.

A.D. 1169. but though he took great pains to ſoften Becket, and perſuade him to approve his unexpected return, that prelate told him, in anſwer to all he alledged on this ſubject, that if, by his own authority only, he had reſumed a legation which was actually expired, *the king, for whoſe ſake it was reſumed, might obey it; but he would not.* He was the more diſcontented, becauſe, in the terms now offered by Henry, of which Vivian ſent him a copy, there was no promiſe made of reparation of damages; though ſome intimations were given, that, if he would act in this reconciliation, ſo as to deſerve the favour of his ſovereign, that prince would again ſet him at the head of his kingdom, and let him feel no want of any kind. As he did not intend to comply with the condition preſcribed, and grounded his demand, not on favour, but juſtice, he looked upon theſe offers as nugatory or inſidious. Nevertheleſs he could not decently refuſe his conſent to Vivian's entreaty, that he would attend on a conference between the two kings, which was held at St. Denys about the middle of November in this year eleven hundred and ſixty-eight. Henry went thither on pretence of devotion; but his real deſign was to mitigate the ill temper of Louis towards him, which he feared would ſoon occaſion a new war with that king. This he partly effected by promiſing to treat in an amicable manner with the earl of Toulouſe, on the claim of his ſon Richard, as duke of Aquitaine, to that earldom; and moreover to ſend that young prince to be educated in the court of France under Louis; which I can hardly believe he intended to perform; as, certainly, it would have been liable to many and weighty objections. Becket did not appear in perſon at this meeting, but he came ſo nigh as to Paris, and from thence ſent a petition, containing the conditions upon which he deſired to be reconciled to the king. The words were theſe: "This is what we aſk of our lord the king, ac-"cording to the mandate and counſel of our lord the pope, "that for the love of God, and of our lord the pope, and to "the

V. Epiſt. 10. l. iii.

V. Epiſt. 61, 62. l. iii.

V. Epiſt. 62. l. iii.

" the honor of the holy church, and his own ſalvation, and A.D. 1169.
" that of his heirs, he would receive us into his favour, and
" grant to us, and to all perſons, who with and for us de-
" parted out of the kingdom, peace, and entire ſecurity from
" him and his, without deceit; and would reſtore to us the
" church of Canterbury, in as ample and free a manner as we
" ever enjoyed it, in it's beſt condition, ſince our promotion
" to that ſee, and all our former poſſeſſions, to have and
" hold them, as freely, as quietly, and as honorably, as they
" have been had and held by us, at any time ſince our ſaid
" promotion: and that our exiled friends may, in like man-
" ner, have their benefices, or any other poſſeſſions, which
" they had enjoyed, reſtored to them. We further aſk of our
" lord the king, that he would permit all churches and pre-
" bends belonging to the archbiſhoprick, which have become
" vacant ſince we went out of the kingdom, to be put into our
" hands, that we may diſpoſe of them as our own, in what
" manner we pleaſe." There is no mention here made of reparation of damages, either to Becket or his friends: which it is probable the archbiſhop was induced to omit, becauſe the pope, in the mandate, to which the petition refers, had been ſilent about it: but he ſent word to the king, that, to avoid any blame with relation to that point, he would be adviſed by his Holineſs what he ought to demand.

In the petition ſome particulars are worthy of note. Beſides the caution with which every article of it is guarded, the words, *to his own ſalvation and that of his heirs*, were thrown in with great art, and meant to intimate, that neither Henry, nor his heirs, could be *ſaved*, if he or they ſhould perſiſt in this quarrel with the church. Nor were the preceding words, *to the honor of the church*, without ſome malignity; for they imported, that, inſtead of this peace being acknowledged as a grace from the king, the church had triumphed over him. Henry ſaw this, and framed his anſwer as cunningly, though in

V. Epiſt. 62. ut ſupra.

A. D. 1169. much fewer words. He ſaid he would allow, that the archbiſhop ſhould have the ſee of Canterbury in peace, and thoſe poſſeſſions *which had been held by his predeceſſors*, and *as they were held by them*; thus excluding him from the enjoyment of all new acquiſitions which he had made to his church, or was deſirous of making, and indirectly ſubjecting him to thoſe cuſtoms of the realm, under which the preceding archbiſhops of Canterbury had held their temporalities. But they with whom he was treating were as ſharp in diſcerning the intent of his anſwer, as he was in framing it; and becauſe he would not recede from it, nor admit the petition ſent by Becket, Vivian declared, *that he had broken his word*, and complaining of him, as *captious* and *inſincere*, refuſed to meddle any more in the negociation.

V. Epiſt. 61, 62. l. iii.

Nevertheleſs a new petition, in different words, was drawn up by Becket, and delivered to Henry at Montmartre, on his return from St. Denys, by the archbiſhop of Roüen and the biſhop of Seez. His prayer now was, "that, for the love of God and of the pope, the king would reſtore, to him and his, favour, peace, and ſecurity, their poſſeſſions, *and every thing that had been taken from them*; upon which conditions he offered to pay him all *that an archbiſhop owed to his prince*. This form was ſhorter, and might at firſt appear leſs exceptionable, than the former petition; but, in the words, *every thing that had been taken from them*, the revenues they had loſt during the time of their baniſhment, and a compenſation for all damages, might be implied: nor was it certain that the promiſe Becket made on his part would be any ſecurity for his future obedience; as his whole diſpute with the crown had ariſen from the queſtion, *what it was that an archbiſhop owed to his prince?* The king anſwered, "that from his ſoul he willingly forgave him all paſt offences; and, with regard to any complaints againſt himſelf, on the part of that prelate, he was ready to ſtand to the ſentence of the court of his liege,

V. Epiſt. 62. l. iii.

the

the king of France, or to the judgement of the Gallican church, or the univerſity of Paris." This propoſal was ſo fair, that it required an uncommon ſkill in chicane to know how to object to it. When it was carried to Becket, he felt the force of it, and therefore only replied, "that he did not refuſe the judgement of the French parliament, or of the Gallican church, if it ſo pleaſed the king; *but that he had rather compound with him amicably, than litigate, if ſuch were his will.*" He added, "that if the king would reſtore to him and his friends the church of Canterbury, with their poſſeſſions; and give them a pledge of his favour and their ſafety, by *the kiſs of peace*, he was ready to receive it; only deſiring that the king would pay to the church half the value of the moveables taken away, to diſcharge his debts and thoſe of his friends, and make the repairs that were neceſſary in their eſtates, after the waſte that had been committed upon them; an eſtimate of which he delivered to Henry, reviſed and corrected by the commiſſioners that prince had appointed." Among thoſe eſtates, the reſtitution whereof he demanded, three were claimed by the crown; and in ſome private inſtructions to two agents, whom he ſent to the pope at this time, he poſitively declares "he would die in baniſhment rather than make any peace, unleſs theſe were reſtored." He likewiſe tells them, "that Vivian and the biſhop of Seez had aſſured him, "from the mouth of the king, that, if the peace was not "ſtopt, that prince would give him a thouſand marks; but "he notifies to them a reſolution to demand in preſent a "moiety of the full value of the moveables loſt, and to be di-"rected by the advice of the pope, or the clergy concerning "the remainder;" adding, "that, with regard to this, he was "willing to ſhew a patient forbearance, in conſideration of the "devotion towards the church, and the cordiality towards him, "which the king ſhould give proof of, in his future behaviour; "becauſe it was expedient for the church of Rome, as well as "of England, that ſhe ſhould have ſomething in her power

A.D. 1169.

"to

A. D. 1169. "*to keep him in awe with*, and to bring out againſt him, if "he ſhould begin new diſturbances and *ſeditions*."

When this paper was delivered, the king made evaſive anſwers, which ſeemed to conſent to all that was demanded, but were clogged with ſuch conditions, as he was certain the archbiſhop would refuſe to ſubmit to. And the *kiſs of peace*, which was then a cuſtomary form in all reconciliations, he plainly ſaid he could not grant, though he was very willing to do it; becauſe, in the heat of his anger, he had publickly ſworn, that he never would give it to Becket; but he declared he would retain no rancour againſt him. It ill became an archbiſhop to make light of a difficulty founded on a ſtrict ſenſe of the obligation of an oath; nor could a ſubject, conſiſtently with any ſenſe of his duty, require his ſovereign to diſgrace himſelf in the eyes of the world, by publickly departing from what he had publickly ſworn. Yet this ſeems to have had no weight with Becket; and we are told that the opinion of the king of France and the earl of Blois, whom he conſulted upon it, helped to determine him not to accept of a peace without this form.

V. Epiſt. 61, 62. l. iii. Epiſt. 46. l. v. Quadrilogus.

Vivian was much ſoured at the ill ſucceſs of the negociation, which the king had made him renew; and ſet out again to go to Italy. As ſoon as Henry was informed of his departure, he ſent a meſſenger after him, with many fair words, and a gift of money; but this was returned by the nuncio with a decent complaint, "that, after he had laboured ſo much in his ſervice, and had loſt for him the favour of many and great perſons, Henry ſhould endeavour to render him infamous, as being corrupted with bribes." In the ſame epiſtle he exhorted him to grant the archbiſhop's petition, to give that prelate *the kiſs of peace*, and, by a liberal reparation to atone for the crime of having unjuſtly ſeized his goods and thoſe of his friends: which admonition was concluded by a poſitive declaration, "that, if Henry ſhould

V. Epiſt. 61. 63, 64. l. iii.

ſhould now reject this counſel, the laſt he would give him, *repentance would come too late.*" A. D. 1169.

The king from this letter had great reaſon to fear, that the ſoothing arts, which hitherto he had condeſcended to make uſe of, would not avail him much longer; and therefore he now had recourſe to very different methods, more becoming the majeſty of a great monarch, in order to ſecure his perſon and kingdom againſt the expected hoſtilities from Rome and Becket. With this intent he loſt no time in ſending over to England the following injunctions, which were of much the ſame nature with the orders he had given in the year eleven hundred and ſixty-ſix, when the archbiſhop firſt threatened him with excommunication, but more extenſive, and in ſome articles more ſevere.

Epiſt. 268. ut ſupra. Gervaſe Codex Cotton. l. i. p. 27. V Epiſt. 54. l. iv. fol. 291.

1. If any perſon be found carrying letters from the pope, or any mandate from the archbiſhop of Canterbury, containing an interdict of divine ſervice in England, let him be apprehended, and let juſtice be done upon him without delay, *as a traitor to the king and kingdom.* V. Appendix.

2. Let no eccleſiaſtick, of what order ſoever, be ſuffered to go beyond ſea, or to return into England, without a paſs from the king's juſticiary for his going out, and from the king himſelf for his return, under pain of impriſonment.

3. No man may appeal, either to the pope, or the archbiſhop.

4. No plea ſhall be held of the mandates of the pope, or the archbiſhop; nor ſhall any mandate of theirs be received by any perſon in England, under pain of impriſonment.

5. It

A. D. 1169.

5. It is likewiſe generally forbidden, that any meſſage be carried by any perſon, from any of the clergy, or laity, to the pope, or to the archbiſhop, under the ſame penalty.

6. If any biſhops, clergymen, abbots, or laymen, ſhall obey the ſentence of interdict, let them be inſtantly baniſhed the realm, *and all their kindred*, and not ſuffered to carry with them any of their goods and chattles.

7. The goods and chattles of all thoſe who favour the pope, or the archbiſhop; and all their poſſeſſions, *and the poſſeſſions of all who belong to them, of whatſoever degree, order, ſex, or condition they may be*, ſhall be ſeized and confiſcated into the hands of the king.

8. Let all clergymen, having any revenues in England, be ſummoned through every county, that within three months they return into England, as they value their revenues, which, if they do not come by the term preſcribed, ſhall be ſeized into the king's hands.

9. Let Peter-pence be no longer paid to the pope, but carefully collected, and kept in the king's treaſury, and laid out according to his orders.

Moſt of theſe articles are unqueſtionably agreeable to the conſtitution of England: but two of them contained clauſes entirely repugnant to natural juſtice, viz. the 6th and 7th articles, in which the penalties inflicted on thoſe who ſhould obey the ſentence of interdict, or favour the pope or the archbiſhop, are extended to *their kindred*, and *to all who belong to them, of whatever degree, or order, or ſex, or condition they may be.* Inheritances indeed are ſtill liable to forfeiture for high treaſon, and even for felony, by our law; as they are in moſt

moſt other countries: but the principles, alledged to juſtify that ſeverity, will not extend to the caſe of the perſons ſubjected to the penalties beforementioned. Thoſe principles are, that no man can have *a natural right to inherit*; ſuch a right being derived from the poſitive inſtitutions of civil ſociety, which may therefore confer it with ſuch reſtrictions or conditions, as the ſafety of the community may be thought to require. And whatever a man is at liberty to diſpoſe of, or give away from his children, the ſtate may take from him, without injury to his children, if, *by his own act*, he has wilfully incurred the forfeiture of it according to law. But, that any perſon ſhould forfeit, *by the act of another*, what belongs *to himſelf*, or ſuffer the loſs of any *natural right*, *for the delinquency of another*, *in which he no way partakes*, *and for which he has not voluntarily made himſelf reſponſible*, is ſuch an injuſtice as no government upon earth has power to authorize. Some nations indeed have put to death all the kindred of traitors. The Macedonians did ſo, though their kingdom was a limited monarchy; and the Carthaginians, though their ſtate was a kind of republick. Nay, ſuch was the inhumanity of the Roman civil laws, even under Chriſtian emperors, that in one of Arcadius and Honorius it is called *a ſpecial act of imperial mercy* to grant to the ſons of a convicted traitor *their lives*: and they are declared thereby incapable of any inheritance, not only from their father, but from any other relation, or of receiving any bequeſt from a ſtranger, or of attaining to any office, or dignity in the ſtate. Nor are theſe incapacities limited to the caſe of a treaſon committed by the father againſt the emperor himſelf, or his family; but extend equally to the ſons of perſons convicted of having conſpired the death of any of his counſellors, or any of his ſenators, or even of any of thoſe who ſerved in his armies. And, what is more ſurpriſing, this unjuſt and barbarous law is tranſcribed in the *golden bull*, almoſt word for word, and

A. D. 1169.

V. Codicis l. ix. tit. 8. ad legem Juliam majeſtatis, l. v.

A. D. 1169.

V. Bullam Aurcam. c. 24. ſect. 1. 4.

makes part at this day of the conſtitution of the empire, as confirmed by the treaties of Munſter and Oſnaburg, in the caſe of a conſpiracy againſt the life of an elector, eccleſiaſtick or civil. But in theſe inſtances, and ſome others which might be produced, the principles of juſtice were ſacrificed to an exceſſive deſire of ſecuring the government, by extraordinary terrors, againſt the danger of treaſons. And thus, under the adminiſtration of King Henry the Second, the independence and majeſty of the ſtate having been ſhaken by the outrageous attempts of the pope and the clergy, it was judged neceſſary to arm the civil authority with theſe dreadful powers, that all the families of thoſe churchmen, who might be inclined to abett any offence of that nature, ſhould be obliged to reſtrain them, and to watch over their conduct with a vigilant eye, for fear of being themſelves involved in the puniſhment of their crimes. It has been mentioned before, that the families of thoſe biſhops, who refuſed to obey the king's mandate for the election of Becket to the ſee of Canterbury, had been threatened with baniſhment by the Grand-juſticiary Richard de Luci; and that it was actually executed on Becket's relations, and all who were intimately connected with him in any manner whatſoever. Nothing can juſtify ſuch an iniquitous and cruel proſcription of innocent perſons. But that Henry and his juſticiary did not act therein without ſome warrant of law may be reaſonably inferred from theſe articles, which denounce the ſame penalties againſt all the kindred of other offenders, *before the offence was committed:* ſo that the extreme rigour of them cannot be imputed to any ſudden heat of anger. They were certainly framed by the king with the opinion and advice of his council. None of his judges remonſtrated againſt them as *illegal*. Nor does it appear, that afterwards, on his return into England, any complaint was made of them in parliament. But further, I find, that the ſame practice, of extending the puniſh-

ment for offences of this ſort to the whole kindred of the criminal, prevailed, during this age, in the kingdom of Scotland. For in the year eleven hundred and eighty one, ſome clergymen having preſumed to pay their obedience to the biſhop of St. Andrews, who had been driven into exile by William the Lion, king of Scotland, and had thereupon excommunicated ſome of his nobles, that prince baniſhed them, and all their relations with them, *even thoſe* (ſays the contemporary abbot of Peterborough) *who were ſtill in their cradles, or at the breaſts of their mothers.* It may be ſaid, that the Scotch king derived this act of tyranny from the precedent ſet him by Henry the Second in England: but I think it more likely that the governments of both kingdoms had taken it before from ſome other ſource; and moſt probably from the Roman imperial law, which, as hath been obſerved in the preceding book of this hiſtory, began early in this reign to mix itſelf with the ancient juriſprudence of England.

A. D. 1169.

V. Benedict. abb. ſub ann. 1181.

However this may have been, the articles abovementioned were received with no marks of diſſatisfaction or diſlike, by the lay-ſubjects of this kingdom, who took an oath to obſerve them in every particular. And the manner of doing it is remarkable. The ſheriffs were ordered to ſummon all the military tenants, and other freeholders, in their ſeveral counties, to appear at the county-court, and there be ſworn to theſe articles; which was likewiſe to be performed in all cities and boroughs. They were alſo to ſend their officers into the villages, and by them the inferior orders of peaſants, who did not come to the county-court, were to have the ſame oath adminiſtred to them. It was accordingly taken by all the laity throughout the whole kingdom, from boys to decrepit old men, as we learn from Gervaſe of Canterbury, a contemporary hiſtorian, who calls it *an abjuration of obedience to pope Alexander and the archbiſhop of Canterbury.* Biſhop Stillingfleet terms it, *an oath of ſupremacy made ſo long ago as in the reign of King Henry the Second,*

Gerv. Chron. 1408.

Gerv. Chron. 1409. See alſo Cod. Cotton. epiſt. 54. l. iv. V. Stillingfleet againſt Creſſy c. 5. Of the penal laws againſt papiſts

A. D. 1169. *and by his command.* He alſo mentions it as *a very remarkable thing*, that the bringing over letters from the pope, or any mandate from the archbiſhop of Canterbury, ſhould, by one of theſe articles, be puniſhed *as treaſon.* But the following words explain theſe letters to be *mandates*, wherein was contained an interdict on the kingdom. And the purpoſe thereof being evidently to endanger the government, it was not improperly conſidered as an act of high treaſon, which ought to be puniſhed by the moſt rigorous penalties the law could inflict. That all the laity took the oath demanded by the king, and bound themſelves to obey ſuch orders as theſe, without reſiſtance or complaint, is a great proof how unanimouſly they ſtill concurred with that monarch, in oppoſition to Becket and the papal pretenſions. But the clergy were not ſo tractable. For when Geoffry Ridel, archdeacon of Canterbury, Richard, archdeacon of Poitiers, and ſome lay-officers of the crown, were ſent by the king with inſtructions, to aſſemble all the biſhops and abbots at London, and to demand of them the ſame ſecurity, with regard to the articles abovementioned, none of them would appear there, or in any manner give a countenance to this proceeding. The biſhop of Wincheſter firſt proteſted againſt it, declaring that he would, to the laſt moment of his life, moſt devoutly obey the apoſtolical mandates, and thoſe of the church of Canterbury, to which he had vowed fidelity and obedience; and he injoined all his clergy to do the ſame. The biſhop of Exeter followed the example of that prelate, and then retired into a monaſtery. The biſhop of Norwich, though expreſsly forbidden by particular orders from the king, publiſhed a ſentence of excommunication againſt the earl of Cheſter and ſeveral others, conformably to injunctions laid upon him by Becket, even in the preſence of the officers who brought the prohibition. Then, deſcending from the pulpit, he laid his paſtoral ſtaff on the high altar, and ſaid, "he would

W Epiſt. 65. l. iii.

V. Epiſt. 45. 49, 65. l. iii.

would ſee who would dare ſacrilegiouſly to ſtretch out their hands againſt the lands or goods of his church:" after which going into the cloiſter of the abbey he lived there with the monks. The biſhop of Cheſter was equally obedient to the archbiſhop's injunctions, and then, to ſecure himſelf from the officer's of the crown, he withdrew into a part of his dioceſe inhabited only by the Welſh. Thus did the clergy declare an open rebellion againſt the royal authority, rather than venture to offend their maſter, the pope. As to the laity who had taken this oath, they were abſolved from the obligation of it by letters from Becket, which he found ſecret methods to convey into England: but that many of them deſired to avail themſelves of the benefit of this abſolution does in no wiſe appear. A. D 1169.

The king's thoughts were now intent upon a matter of importance, which he had for ſome time been revolving in his mind. His eldeſt ſon was the darling and delight of his heart. If he ſhould happen to die during the tender age of that prince, it was poſſible that ſome of the nephews of Stephen, or the earl of Boulogne, who had married the daughter of that king, might aſpire to the crown. The election of Stephen againſt the many repeated oaths, which the whole nation had taken to eſtabliſh the ſucceſſion in the Empreſs Matilda, made ſuch engagements appear an inſufficient ſecurity. Some other precaution was therefore ſuppoſed to be neceſſary, and, agreeably to the general cuſtom of thoſe times, it was thought moſt adviſeable for the king in his own life-time to crown his heir, and, with the conſent and authority of parliament, declare him king *in ſubordination to himſelf*: I ſay, *in ſubordination to himſelf*; for, although this coronation made him a ſovereign over all others within the realm, it left him a ſubject with reſpect to his father, and he owed the ſame allegiance to him as before. Nor was there A. D. 1170.

See Hale's pleas of the crown.

annexed

A. D. 1170. annexed to this royalty any ſeparate appenage, or independent juriſdiction: ſo that indeed it was no more than an empty title which gave an encreaſe of dignity, but none of power, unleſs when the father ſhould be out of the kingdom, or under ſome incapacity to exerciſe his authority: for then it was underſtood that the adminiſtration would, of courſe, devolve to the ſon. This had been continually practiſed in France, from the reign of Hugh Capet down to Louis the Seventh, who was then on the throne. And from hence I think it evident, beyond all contradiction, that the kings of France in thoſe days acknowledged in the nation a right to confirm or alter the ſucceſſion: ſince they did not rely on any natural or legal claim, which their eldeſt ſons had, at their deceaſe, to ſucceed to the crown; but deſired to ſecure it to them by this anticipated election. Had it been acknowledged, as a maxim of law in thoſe times, *that the throne could never be vacant*, this practice, which meant only to prevent ſuch a vacancy, could not have prevailed in that kingdom. The policy was the ſame with that of the emperors of Germany now, when they endeavour to induce the diet to elect a king of the Romans: nor can any thing give us a more perfect idea of the nature of theſe coronations. Upon a ſimilar motive, and in a ſimilar manner, King Stephen had attempted to crown his ſon Euſtace; but yet it muſt be owned, that ſtrong reaſons might have been urged to diſſuade King Henry the Second from having recourſe to this meaſure, in order to ſecure his ſon's ſucceſſion. He might have been told, that the deſire of *regal power* would be apt to accompany the name of king; and as he did not intend a participation of *that*, it was not prudent, by unneceſſarily giving the other, to kindle an ambition in the mind of his ſon, which might eaſily produce a dangerous flame. That the young prince, who was naturally of a high ſpirit, would be much more exalted in his own imagination by the acceſſion of this new dignity;

See P. Daniel.

nor

nor would there be wanting ſome wicked flatterers to blow up that pride, and ſuggeſt to him notions that *obedience* and *royalty* were incompatible things, or at leaſt that the latter ought always to bring with it ſome real advantage, beſides the empty title and pageant robes of a king. That this method of ſecuring the ſucceſſion, unknown, unthought of in England, till vainly attempted by Stephen, was authorized chiefly by the practice of France: but from that kingdom itſelf examples might be alledged, to ſhew the great inconvenience and danger attending it. Hugh Capet, who introduced it in favour of Robert, his eldeſt ſon, had often repented the taking of that ſtep, from the diſquiet he ſuffered by his ſon's diſobedience, and deſire of meddling in the government, after being raiſed to the throne. And when Robert himſelf had been perſuaded, by the ſollicitations of his wife, againſt the opinion of his wiſeſt counſellors, to crown his ſon, he had the mortification to ſee that prince rebel againſt him, in order to obtain a greater ſhare in the government, or at leaſt ſome province in which he might exerciſe royal authority. Philip the Firſt had been forced to give up two provinces to Louis le Groſs, whom he had likewiſe made king: and if, in other inſtances, no diſturbance had enſued from theſe premature coronations, it was either becauſe the father had happened to die very ſoon after the ſon had been crowned, or becauſe the ſon did not live to feel that ambition, which ſuch a nominal exaltation to ſovereign power muſt naturally irritate, but could not aſſuage.

A. D. 1170.

Glaber, l. iii. c. 9. P. Daniel.

In theſe objections there was undoubtedly a great force of truth; but in anſwer to them it may have been ſpeciouſly urged, that if the advantages attending this practice in France, to the royal family and the realm, had not been found by experience to outweigh very much the inconvenience or danger, it would not have been ſo long continued. That the

ſame

A. D. 1170. ſame thing had been practiſed in the latter empire of Germany, with the free conſent of the ſtates; and in the kingdom of Sicily, by Roger, the founder of the Norman monarchy there; who, in the year eleven hundred and fifty, about four years before his death, had crowned his ſon William; an example of great authority, both from the character of that prince, one of the wiſeſt that ever reigned, and from the conformity of the government in its conſtitutional principles with that eſtabliſhed in England. That, although the cuſtom had not prevailed in this nation ſince the uniting of the heptarchy, it was not without a precedent among the Anglo-Saxons. For Offa the Great had crowned his ſon in the kingdom of Mercia; nor had any ill conſequences happened from it there. That it was the ſafeſt and beſt proviſion againſt many accidents to which all kingdoms are liable, ſuch as the long abſence, or ſickneſs, or captivity, of their kings; and for the preventing of factions, which nothing encourages ſo much in a monarchy as an unſettled ſucceſſion. That the right of primogeniture was not firmly eſtabliſhed in any kingdom of Europe. That, as Henry had many ſons, he could find no other method ſo ſure and effectual to hinder any of them from attempting to overpower that right, in times to come, by the ſtrength of a party among the nobles or people, as the crowning of the eldeſt during his own life, and without further loſs of time: for this would produce in the minds of the younger an habitual obedience to him, as their ſovereign; which, if they did not contract it in their infancy, they might not ſo eaſily learn in a riper age; eſpecially having before them the example of the three ſons of William the Firſt, the two youngeſt of whom ſucceſſively obtained the dominion of England, without any regard to the title of the eldeſt, who never was able to make it good. And the obligation conferred on Prince Henry by this encreaſe of his dignity, together with the future more ſolid advantages he would be

be ſure to draw from it, muſt, in all reaſon, be rather an additional bond, to ſecure his obedience and duty to his father, than any incitement to depart from them, as thoſe who argued againſt it had ſuppoſed. A. D. 1170.

Theſe conſiderations prevailed; and, indeed, it ſeems that the king had been determined upon the meaſure ſome years before. For, when the ſee of Canterbury was vacant, by the death of Archbiſhop Theobald, as he then apprehended that the election of Becket might meet with ſome difficulty, he obtained a bull from the pope, impowering him to cauſe his ſon Henry to be crowned by what biſhop he pleaſed. This appears from a letter written by that prelate; and from another, written to him, we alſo learn, that, in the year eleven hundred and ſixty-four, it was reported in France, that the coronation would be performed by the hands of Pope Alexander, who was to go to England for that purpoſe. John of Saliſbury, who ſent this intelligence, adds, that it was imagined the deſign of crowning the prince was *deferred* on that account. There is reaſon to think that this report was well founded; for, as Louis le Jeune had been crowned, during the life of his father, by Innocent the Second, who then was in France, Henry might naturally wiſh, in ſimilar circumſtances, to procure the ſame honor to be done to his ſon by Alexander the Third. But this, I ſuppoſe, was prevented by the ſubſequent diſputes between him and that pontif. After that time no further mention is made of this buſineſs, till the year eleven hundred and ſixty-eight, when (as a paſſage in a letter then written informs us) Henry's miniſters were employed to negociate about it at Beneventum. Some modern authors have ſuppoſed, that the principal motive, which induced that monarch to it, was the example of Philip the Firſt, king of France, who, when his own perſon was threatened with an excommunication, had crowned his ſon, and by that means had prevented the revolt of his ſubjects, and all the diſorders

V. Epiſt. 45. l. v.

V. Epiſt. 241. l. i.

V. Epiſt. 67. l. iii.

P. Daniel, t. iii. p. 341. See alſo Carte.

A. D. 1170. that would otherwiſe have enſued when the ſentence was paſt. But it has been ſhewn, that when Henry was under no apprehenſions of ſpiritual cenſures he entertained the ſame deſign. Nevertheleſs it is probable that this may have determined him to accompliſh it *at this time*. But the archbiſhop of Canterbury being out of the kingdom, and the crowning of the kings of England having for ſome time been reputed one of the rights of that ſee, the ceremony could not be performed in his abſence, without an objection in point of form, which might give a pretence to diſpute the validity of it, and much affect the ſuperſtitious minds of the vulgar, with whom forms are eſſentials in ſolemnities of this nature. To this objection the former bull obtained from the pope was not a good anſwer, becauſe Alexander gave *that* on the ſuppoſition of there being no Archbiſhop of Canterbury when the young prince ſhould be crowned, and not in derogation to any privilege of that ſee. William the Firſt indeed had been crowned by the archbiſhop of York: but there was at that time no archbiſhop of Canterbury acknowledged by the pope: for Stigand's election was deemed not canonical, and (as Becket affirms in a letter to Alexander) he was then excommunicated by the apoſtolical ſee, for holding, againſt her prohibitions, together with Canterbury, the ſees of Wincheſter, London, Worceſter, and Ely. Another more recent example, which the king had to plead, was the coronation of his grandfather, Henry the Firſt, by the biſhop of Hereford, in the abſence of Anſelm, who had then left the kingdom, upon a diſpute with the crown of much the ſame nature as that of Becket at preſent: but the biſhop of Hereford acted as ſubſtitute to his abſent metropolitan, and as ſoon as Anſelm came home, the king excuſed what had been done from the neceſſity of the time, and, delivering to him his crown, in the preſence of all his nobility, deſired to receive it from his hands; *becauſe the anointing and conſecrating a king of England was a dignity annexed to his ſee:*

V. Epiſt. 45. l. iv.

V. Epiſt. prædict.

Ibidem.

ſee: which being thought by the archbiſhop a full ſatisfaction, he approved the act of his ſuffragan, and replaced the crown on the head of Henry. After ſuch an extraordinary compliment made to the ſee of Canterbury in this matter, by ſo prudent a king, whoſe example in moſt points was a law to his grandſon, the latter could not eaſily diſpute its pretenſions. But, as he would neither ſuffer Becket to return into England, nor any longer defer his ſon's coronation, it was neceſſary to act as if there had been no archbiſhop of Canterbury, and let the ceremony be performed by ſome other prelate. The archbiſhop of York, as the higheſt in dignity, appeared the moſt proper to execute ſuch a function. In the year eleven hundred and ſixty-two, after Becket's election and conſecration, he had claimed that office as one of the rights of his ſee, and obtained a bull from Pope Alexander himſelf to confirm it, on the foundation of many precedents, which he brought to ſupport it, from times antecedent to the Norman government in this kingdom. Nevertheleſs Becket afterwards procured from that pontif a revocation of this bull, by a letter forbidding the archbiſhop of York, and all the biſhops of England, to do any act againſt the authority and dignity of the church of Canterbury, which being materially concerned in this particular, it was naturally underſtood that hereby the former grant was repealed. There is no date to this letter; but from others we find, that it had been received before this time; and, as the king was apprehenſive that none of the biſhops would venture to diſregard the prohibition it contained, he ordered two of the miniſters whom he ſent to the pope, after the concluſion of the conference at Montmirail, viz. Richard Barre and the archdeacon of Landaffe, to uſe their utmoſt endeavours to obtain from Alexander a new letter, not only to impower, but command, the archbiſhop of York, to crown the prince, his ſon, at any time, when he ſhould require it of him. One can hardly conceive that Alexander ſhould have been brought, by any per-

A. D. 1170.

V. Epiſt. 10. l. i.

V. Epiſt. 41. l. iv.

V. Epiſt. 36. l. iv. 24. l. v.

A. D. 1170.

ſuaſions, to grant a requeſt which he knew was ſo offenſive to Becket. But yet he did grant it; and declared *that this office belonged to the ſee of York.* The letter is extant in manuſcript among thoſe of Becket, both in the Cotton library and in the Bodleian: but, for the honor of the pope, it was omitted in the edition made of them at Bruſſels from the Vatican manuſcript. Henry received it, on the return of Richard Barre and the archdeacon of Landaffe, about the latter end of the month of February, in the year eleven hundred and ſeventy. He had kept his Chriſtmas at Nantes, with Geoffry, his ſon, in the moſt pompous manner: and after the ſolemnity of that feſtival they had made a progreſs together over all Bretagne, to receive the homage and fealty of the nobles and freemen of that dutchy, who had not paid it before. We likewiſe are told that the king proceeded judicially againſt the earl of Pontieure, and deprived him of almoſt all the honors and power he had poſſeſſed in that country: the cauſe of which, I make no doubt, was his not having appeared to pay his duty to his prince on this occaſion, or ſome act of rebellion or contumacy of which he was guilty. For no complaint was made by Louis of any injuſtice having been done by this ſentence, or of any breach of the amneſty granted to the confederate lords in Bretagne by the late treaty of Montmirail; as there would have certainly been, if Eudo had not deprived himſelf of the benefit of that treaty by his own fault.

MS Cotton. Claudiusb.II. fol 288. MS. Bodley. See alſo the Appendix.

Benedictus Abbas, ſub ann. 1170.

V. Epiſt. 18. l. v.

Theſe affairs being ſettled, Henry returned into Normandy, and, through the mediation of ſome of his clergy in that country, propoſed to Becket new offers for an agreement between them, upon general terms, namely, *that each of them ſhould perform what he owed to the other.* But he ſeems to have done it only to amuſe the archbiſhop, till he ſhould hear what ſucceſs John of Oxford and the two archdeacons of Roüen and of Seez, whom he had ſent to Beneventum ſoon after the conference held at Montmartre, had met with in their

their buſineſs. Of this an account was brought to him by Richard Barre and the archdeacon of Landaffe, together with the abovementioned letter, or mandate, to the archbiſhop of York. Upon which he immediately ſignified to Becket, who had ſet out from Sens in order to attend him at Caen, that he would have him proceed no further; becauſe he was obliged to go over into England without delay. A. D. 1170.

Before the return of theſe miniſters, that prelate, being aware, either from intelligence or ſuſpicion, of Henry's purpoſe to crown his ſon, had entreated the pope to aſſert the right of the ſee of Canterbury, and to lay a reſtraint on the archbiſhop of York, and all other Engliſh biſhops, from preſuming to intermeddle in that coronation; which was granted to him in terms as ſtrong and ample as he himſelf could deſire. The privilege of his ſee was declared, and the prohibition enforced by *the apoſtolick authority*. Nay, the biſhops were told, *that if any one of them ſhould preſume to attempt it, he ſhould undoubtedly know, that it would be to the great peril of his office and order*. His Holineſs alſo denied them any appeal to himſelf on this matter. The letter is dated the twenty-ſixth of February, and muſt have been ſent within a few weeks after that, in which Alexander, by the ſame *apoſtolick authority*, had impowered and commanded the archbiſhop of York to crown the young prince, *as the performing of that function belonged to his ſee*; which he took no notice of to Becket. It alſo appears that he earneſtly deſired the king to conceal from that prelate his having received ſuch a letter. A more ſcandalous inſtance of double dealing can no where be found! And it will be ſeen that his Holineſs, in the progreſs and conſequences of this buſineſs, went ſtill greater lengths, with the moſt aſtoniſhing impudence of diſſimulation.

V. Epiſt. 42. l. iv.

V. Epiſtolam MS. in Append.

V. Epiſt. 45. l. v.

Beſides the mandate concerning the young prince's coronation, John of Oxford and the archdeacons of Roüen and of

A. D. 1170. V. Epiſt. 1. 4. 14. l. v.

of Seez had obtained for the king, that a commiſſion ſhould be ſent by the archdeacon of Landaffe and Richard Barre to the archbiſhop of Roüen and the biſhop of Nevers, for the concluding of an agreement between him and Becket, on terms which he himſelf had propoſed to his Holineſs by the advice of his council. They were expreſſed in theſe words, "that, for the love of God, of the pope, and of the church "of Rome, the king would permit the archbiſhop of Canter- "bury to return in ſafety to his church, and to hold and enjoy "it in peace, and all his poſſeſſions, as he had held them be- "fore he went out of the kingdom, while he was in the king's "favour; and the ſame to thoſe who were baniſhed on his "account." And whereas the king, out of regard to the publick oath he had ſworn, not to give Becket *the kiſs of peace*, had propoſed, that his eldeſt ſon ſhould give it for him, Alexander conſented to accept the expedient, if the archbiſhop himſelf could be induced to agree to it; and ordered the legates to labour that point with him, unleſs they could perſuade the king to give up his ſcruple; which to render more eaſy, he abſolved him from his oath, and injoined him to give the kiſs, *for the remiſſion of his ſins:* at the ſame time admoniſhing Becket, that, as much as he could with ſafety to the liberty of the church, and without any danger to himſelf, or his friends, he ſhould humble himſelf towards the king. But if, upon theſe conditions, peace was not concluded within forty days after the king had been admoniſhed by the legates to make it agreeably to his promiſe, they were then commanded to lay all his dominions in France under an interdict, without any allowance of a further appeal, unleſs they were certain, that, ſoon after the expiration of that time, he would fulfil the terms preſcribed, or that the archbiſhop would agree to receive the kiſs from the ſon, inſtead of the father. They had alſo a power, upon an aſſured expectation of peace being made, to abſolve the excommunicated, with a proviſo, that, if the expected reconciliation did not enſue, their former ſentence ſhould be renewed

newed without appeal. And Alexander ſaid, in a letter he wrote to the king, "that if peace ſhould not be made, upon "the plan now laid down, and they who had declared their "appeal to the ſee of Rome thought proper to purſue it, he "would hear their defence and judge their cauſe, as God "ſhould inſpire him; for which hearing he appointed the "next feaſt of St. Luke." His Holineſs was unwilling to incumber the treaty with any further conditions; yet he inſtructed the legates, "that they ſhould endeavour to gain for "the archbiſhop a thouſand marks, which, Vivian had told "him, the king was willing to give that prelate, as a ſupply "for his preſent neceſſities: but, in caſe of a refuſal, the re-"conciliation was not to be ſtopt on this account. And "they were further directed, that, not immediately after the "peace was concluded, but within a ſhort time, as their diſ-"cretion ſhould judge moſt proper and convenient, they "ſhould, in the name of the Lord, admoniſh the king, and in-"join him, for the remiſſion of his ſins, *to aboliſh the evil "cuſtoms or laws of his realm, eſpecially thoſe, which he had of "late introduced, againſt his own ſalvation, and the liberty of "the church; to releaſe his biſhops and other ſubjects from the "obſervance of them, and repay to the archbiſhop, and thoſe that "belonged to him, the profits of the revenues which he had ſeized.* A.D. 1170.

"If the king, upon their admonition, did not yield to theſe "propoſitions, then they were ordered, as ſoon as poſſible, to "ſignify by a letter to his Holineſs, in concert with Becket, "which of the cuſtoms it was moſt neceſſary to inſiſt on the "abolition of, and how much of the profits received by him "the king was willing to pay." All this was thrown in, only to ſtop Becket's mouth, that he might not complain of thoſe points being given up by the pope, which he and his friends had moſt at heart. For there was no great likelihood that the king would be brought to do any thing *after the peace*, which he would not do *for the peace*. And Becket ſo underſtood

A. D. 1170. ſtood it; for he was extremely diſſatisfied with the commiſſion, and told the pope, "the king had been ſummoned "often enough upon this matter, and it was time to proceed "to judgement." His diſguſt was much encreaſed by the abſolution of the biſhops of London and Saliſbury, which the pope had particularly ordered the legates, or either of them, to give, in terms very honorable to the biſhop of London, whom his Holineſs called *a religious, learned, prudent, and diſcreet man*; only taking an oath of them, as was uſually done on theſe occaſions, that they would ſubmit to his mandate, with regard to the final deciſion of their cauſe. When Becket heard this, he wrote to his friends Cardinal Albert and Gratian, in a ſtyle which expreſſed the utmoſt fury of reſentment. *Satan*, he ſaid, *was let looſe again to the deſtruction of the church*; *Barabbas was freed and Chriſt was crucified a ſecond time:* adding that *St. Peter himſelf, if he was upon earth, could not have power to abſolve ſuch impenitent ſinners.* Having enlarged upon this, and bitterly inveighed againſt the court of Rome, he broke out into theſe words, "I cannot defend the "liberty of the church, becauſe the apoſtolick ſee has now pro- "tracted my exile to the end of the ſixth year. Let God ſee, "and judge. *But I am ready to die for it.* Let any cardinals, "who will, riſe up againſt me, let them arm, not only the king "of England, but the whole world, if they can, to my de- "ſtruction; I, by the divine protection, will neither living nor "dying recede from my fidelity to the church. Henceforth I "commit to God, for whoſe ſake I ſuffer proſcription and "baniſhment, the maintenance of *his own cauſe.* Let him "find ſuch remedies as he knows how to apply in the greateſt "difficulties. I purpoſe to give no further trouble to the "court of Rome: let thoſe apply to it, who prevail in their "iniquities, and having triumphed over juſtice, and cap- "tivated innocence, return with pride and boaſting, to the "confuſion of the church." Thus wrote Becket to Car-

V. Epiſt. 24. l. v.

V Epiſt. 20, 21. l. v.

V. Epiſt. 20, 21. ibid.

V. Epiſt. 1. l. v.

dinal

dinal Albert; and the other letter to Gratian was little different in matter or expreſſion. He alſo made the whole band of his companions in exile write to them in the ſame ſtyle, and declare the ſame reſolution not to litigate with their adverſaries, but commit to God *his own cauſe*, as he had done. Yet the appearance in this matter was worſe than the reality; for Alexander thought he might abſolutely depend on the peace being concluded; as all the conditions of it had been previouſly ſettled between him and the king, except the point of the kiſs, which he preſumed would be got over one way or other, either by Henry's compliance, or Becket's accepting of the expedient propoſed. As for the abſolution of the biſhops of London or Saliſbury, conſidering that theſe prelates were both excommunicated without conſulting his Holineſs, and the latter extremely againſt his inclinations, it was no more than Becket had reaſon to expect; eſpecially ſince he had paid ſo little regard to the warm interceſſions which Alexander had made, that he himſelf would ſuſpend or take off that ſentence. Had he ſeen the mandate ſent to the archbiſhop of York, he would have complained with more juſtice: but of that he had obtained no certain intelligence; and the letter which he ſoon received from his Holineſs being ſo contrary to it, he thought the rumour he had heared about it was falſe. The form uſed therein is very remarkable: "*By the authority of St. Peter and ours, we grant, with the advice and conſent of our brethren, that our dear ſon, Prince Henry, ſhould be crowned king of England.*" This ſuppoſed in the pope and the college of cardinals a right and power to diſpoſe of the crown of England: whereas the king had aſked a bull only to ſettle the ceremonial of his ſon's coronation. And thus did the ſee of Rome take every occaſion of applications made to it for different purpoſes, to encroach upon the rights of civil ſtates, and draw to itſelf all dominion. Henry did not enough attend to the purport of theſe inſidious words, but conſidered only the

A. D. 1170.

V. Epiſt. 22, 23. l. v.

V. Appendix.

A. D. 1170. preſent benefit from Alexander's aſſent to what he deſired, and being impatient to put it in execution, leſt Becket and his friends ſhould find ſome means to prevent or obſtruct it, he haſtened over to England. While he was paſſing the channel, in the beginning of March, ſo great a tempeſt aroſe, about the middle of the night, that a fleet of fifty ſhips, which attended him in his paſſage, was diſperſed and terribly ſhattered. One of them ſunk, aboard of which was Radulph de Bellomont, the king's phyſician, and Henry de Agnis, who is called by a contemporary author, *the moſt noble of the barons of England*, with his wife and two children, and ſeveral other conſiderable perſon's of the king's houſehold, beſides four hundred ſailors and paſſengers of an inferior rank. The king, after his ſafety had been almoſt deſpaired of during eight or nine hours, got at laſt into Portſmouth, to the great joy of his kingdom, from which he had now been abſent little leſs than four years.

V. Benedict. abb. t. i. p. 2, 3.

So long an abſence was one, and not the leaſt inconvenience, that the many territories, which it's ſovereign poſſeſſed in France, inevitably brought upon England. Thoſe dominions were in too unquiet a ſtate to be eaſily governed by delegated powers, and often required the preſence of Henry himſelf to keep them in order. While therefore that prince was neceſſarily employed in a very anxious attention to his intereſts there, or in wars entered into for the ſake of thoſe intereſts, he was obliged to neglect the government of his kingdom; and of this negligence he now felt the bad effects. There had ariſen, in his abſence, a great diſorder and malverſation in the collection of the royal revenues, and in all judicial proceedings, excepting only thoſe of his own ſupreme court. To redreſs theſe grievances, of which complaints had been made from every part of his realm, was the firſt object of his care on his return into England. He kept his Eaſter at Windſor, and held a parliament there, wherein he appointed a commiſſion of enquiry, conſiſting of earls, barons,

barons, knights, and ſome dignified clergymen, who were to divide the whole kingdom into different circuits, and, as they went over it, ſtrictly to examine all perſons concerned in the adminiſtration of juſtice; archbiſhops, biſhops, abbots, priors, earls, barons, ſheriffs, and their deputies; vavaſſors, citizens, burgeſſes, and officers employed under them; officers of the revenue, of the king's lands, and of his foreſts; what they had taken of the ſeveral perſons under their juriſdiction, while the king was in Normandy, judicially, or otherwiſe; upon what claim, occaſion, or evidence: what extortion, what corruption, what partiality, what injuſtice, what fraud, or what neglect of duty, any among them had been guilty of, during that period of time. The ſeveral articles the reader may ſee more at large, in the Appendix to this volume, where the whole record is tranſcribed from Gervaſe of Canterbury, who lived at that time. And certainly it deſerves a particular notice: for in all the hiſtory of this kingdom there cannot be found a more extraordinary exerciſe of the royal authority to the redreſs of mal-adminiſtration. The conſtitution of England has veſted in the crown, aſſiſted by parliament, that ſuperintending power over the conduct of magiſtrates, without the exerciſe of which the welfare of no government, and much leſs of a free government, can long be maintained. For the wiſeſt ſyſtem of laws will be deſtroyed by corruption, if there is not a continual and vigilant care to enforce their execution, to prevent the abuſe of them, and to puniſh thoſe miniſters and officers of ſtate, who break their truſt. When therefore our kings, to whom in the firſt place this care belongs, and by whom it is moſt eaſily and beneficially exerted, omit to attend to it, either through ignorance, or neglect, or any partial affection, it then becomes the duty of parliament to demand the redreſs of ſuch abuſes, and take thoſe methods to obtain it, which, by its own proper conſtitutional powers, that aſſembly is enabled to uſe, and has uſed, to the great benefit of the

A D. 1170.

Gervaſe, fol. 1410. V. Appendix.

A. D. 1170. publick, even from the earlieſt times of our government. The aſſiſtance of thoſe powers may alſo be prudently called in by the king in proſecuting and puniſhing high miſdemeanors, when the offenders are numerous, and able to form a ſtrong combination againſt the royal juſtice. For the intervention of parliament ſtrengthens the royal authority, and ſhields it from the odium which all extenſive correction is apt to excite. This Henry well knew, and accordingly, in affecting this reformation he wiſely choſe to proceed with the advice and concurrence of his great council: nor ever before or ſince that time, has any king of England, in conjunction with his parliament, diſcharged a duty of this nature with ſuch remarkable ſpirit. The whole nobility and magiſtracy of the realm was ſubjected to the enquiry now made. Even the eccleſiaſtical courts, eſtabliſhed in each dioceſe, were not excepted. Juſtice ſeemed to have returned with the king into England, and to have ſummoned all who had abuſed the authority of her name to a general judgement.

Benedictus abbas, Hoveden, ſub ann. 1170.

Upon the report of the commiſſioners, Henry turned out at once almoſt all the ſheriffs in the kingdom, and their bailiffs, or deputies, for oppreſſing his people, or defrauding the crown of its dues. Nor did he ſuffer them to go off without finding ſureties to make proper ſatisfaction to the parties aggrieved, and likewiſe to the crown. The barons, who had a judicature in right of their lands, could not be deprived of it in the ſame manner as the ſheriffs or bailiffs, who were removeable from their offices upon miſbehaviour: but, as all who had been charged with any offence by the commiſſioners of enquiry appeared with their ſureties, in the following parliament, to anſwer that charge; and as, in the letters of Becket, written after this time, I find not a word accuſing Henry of partiality in all this proceeding, I think we may conclude, that they were ſeverally obliged to make reparation for any injuries they had done to their

Gervaſe, Chron. ſub eodem anno.

their ſuitors and vaſſals; though from an expreſſion in one of our ancient hiſtorians, it may be inferred, that the king remitted to them the fines, and all pecuniary demands, which were due to himſelf. Yet it does not appear, that he paſt, on this occaſion, any act of oblivion. He ſeems to have kept the rod ſtill over their heads, that he might deter them thereby from any ſimilar miſdemeanors in times to come. A. D. 1170. Gervaſe, Chron. ſub eodem anno.

When he had thus re-eſtabliſhed the good order of the ſtate, and made his people the beſt reparation in his power for what they had ſuffered by his abſence, he propoſed to his parliament, which had been ſummoned to meet him at London on the feaſt of St. Barnabas, the affair of his ſon's coronation. They agreed to it without one diſſentient voice. Gervaſe of Canterbury ſeems to inſinuate, though obſcurely, that the terror which ſome of them were under, on account of their paſt miſbehaviour, made them more ready to comply with this requeſt. But it is not clear that Henry wanted ſuch an influence over them, to procure their conſent. There is no trace of any faction among the temporal barons, from whence he might apprehend oppoſition to this meaſure. And as for the clergy, the authority he had obtained from the pope put it out of their power, if it had been in their will, to oppoſe his deſire. Yet, to induce them to concur therein with more cheerfulneſs, he graciouſly connived at their late diſobedience with regard to the oath he had required them to take. There being therefore no difficulty on any ſide in this buſineſs, it was ſettled in the great council, that on the following Sunday, the young prince, who was then ſixteen years old, ſhould be crowned in Weſtminſter Abbey by the archbiſhop of York, which was accordingly performed on the fifteenth day of June, in the year eleven hundred and ſeventy; the biſhops of Durham, of London, of Saliſbury, and of Rocheſter, aſſiſting in the ceremony, and (to uſe the words of Gervaſe, ib.

an

A. D. 1170. an author who lived in thoſe times) *the clergy and people aſ-*
Hoveden, ſub ann. 1170. *ſenting and conſenting thereto.*

The prince had been knighted by his royal father that morning. On the next day homage was done to him by William, king of Scotland; which muſt have been for Lothian; that prince having ſurrendered the earldom of Huntingdon to David his brother, who in like manner did homage on account of that fief. No doubt, they had done it before to King Henry, the father, perhaps in the parliament held by him at Eaſter, where we are told they were preſent. As this transfer of the earldom could not have been made without the conſent of that monarch, it is probable the two brothers had come into England on that buſineſs. It muſt be alſo ſuppoſed that the demand of Northumberland had been waved by King William: for, that a grant or ceſſion of that province was made to him now, or at any time before this, is not ſaid by any author who lived in that age.

Benedict. Ab. ſub ann. 1170.

If we may believe ſome hiſtorians of later times, Henry received a ſtrong proof, even during the ceremonies of his ſon's coronation, what he had to expect from the arrogance of that prince. It is ſaid by Matthew Paris and Polydore Vergil, that, with his own hands, he ſerved up a diſh to his table; and that the boy, inſtead of thanking his father and ſovereign for ſuch an honor done to him, ſaid to the archbiſhop of York, who complimented him upon it, "*that it was not a great condeſcenſion for the ſon of an earl to ſerve the ſon of a king.*" A contemporary writer ſo far confirms this account, as to ſay, *that the father miniſtered to the ſon at the feaſt, and declared that he himſelf was no longer king.* The ſame writer adds, *that he afterwards repented both of the words and the deed.*

Mat. Paris, p. 470. Polydore Vergil.

Wilhelmus in Quadrilogo.

Why he ſhould thus ſpeak or act, ſo greatly to the prejudice of his own royal dignity, no reaſon appears. For, that, in exalting his ſon thus prematurely to the throne, he did not mean to deſcend from thence himſelf, nor even to give him

an equal ſhare thereof, the reſerve expreſſed in the oaths, which were taken to that prince undeniably proves. A. D. 1170.

As this was the firſt ſince the union of the Heptarchy, it was alſo the laſt coronation of a ſon during the life of his father, in the kingdom of England. We alſo find that the practice was omitted in France after Philip Auguſtus; a more ſettled principle of an hereditary right to the crown, in a lineal courſe of deſcent, having prevailed from that time in both theſe nations; which made ſuch a precaution unneceſſary to ſecure the ſucceſſion.

The Princeſs Margaret was not crowned at the ſame time with her huſband, but remained in Normandy with Queen Eleanor, her mother-in-law, till the ceremony was over. Some of Henry's enemies, and, particularly, Becket's friends, ſpoke of this as a contempt deſignedly thrown upon her, and an affront to her father: which had ſuch an effect on the latter, that he immediately took up arms and attacked the Norman frontier. Henry was forced to leave England, and to go to repell this invaſion, or to pacify Louis. He croſt the ſea about Midſummer, and on the ſixth of July had a conference with the earl of Blois, whoſe mediation he was deſirous to employ in this buſineſs. It was no difficult matter for that earl to convince the king of France, when the heat of his paſſion was over, that no ſlight was intended either to him or his daughter. For Henry, preſently after his ſon's coronation, had ſent orders to Normandy, that the young princeſs ſhould prepare to come over to England, as ſoon as ever the royal robes and other neceſſaries for the pomp, which ſhe was to appear in, could be provided for her. If the prince had waited for theſe, it would have given ſuch notice to Becket, and cauſed ſuch a delay, as might have afforded ſome means to that intriguing prelate, if not to defeat, yet to embarraſs and perplex the affair with ſuch difficulties, as might be very unpleaſant. This Henry much feared, and this alone was the cauſe why his daughter-in-law was not honored with the enſigns of royalty together

V. Epiſt. 11. l. v.

Benedict. Abbas. Hoveden. Gervaſe, ſub ann. 1170.

V. Epiſt. 33. l. v.

A.D. 1170. together with her huſband. Otherwiſe his own intereſt would have made him deſire to give her that ſatisfaction, as he would have thereby engaged the king of France, her father, to concur with him in ſupporting the validity of the act againſt Becket's objections: which one of that prelate's friends, a perſon of good underſtanding, was ſo ſenſible of, that, in a letter he wrote to him concerning theſe tranſactions, he adviſed him in no caſe to make any oppoſition to her coronation. This matter was therefore ſo explained by the earl of Blois, that Louis was brought to an interview with Henry, in a meadow ſituated near Frettevalle, upon the borders of Touraine, but in the diſtrict of Chartres. The reſult of this conference was a renewal of the peace between the two kings, and at the cloſe of it Henry was induced to conclude a reconciliation with Becket, upon the terms before ſettled between him and the pope.

V. Epiſt. 33. ut ſupra.

The archbiſhop had exerted his utmoſt endeavours to delay the coronation of the young prince. As ſoon as he had received the letter from Alexander, which ſo poſitively forbad what that pontif himſelf had lately authoriſed and commanded, namely, the crowning of the prince by the other metropolitan, ſome means were found by him to tranſmit it into England, with others written by himſelf to all the Engliſh biſhops, wherein he declared, "that he al-
"ways had deſired a peace *in the Lord*, and was now ready
"to pay all due honor and reverence *in Chriſt* to the king,
"and to the young prince, his ſon, and to anoint and
"crown the ſaid prince (if it were the king's pleaſure) ac-
"cording to the duty of his office, as his predeceſſor had
"anointed and crowned the king. He likewiſe notified to
"them, that, by the authority of the pope, he forbad any of
"them to preſume to invade this privilege of his ſee, or to
"aſſiſt at ſuch an invaſion, under pain of an anathema, re-
"ferring

V. Epiſt. 44, 45, 46. l. iv.

"ferring them to the apoſtolical letter or mandate, which he "had ſent over." But the perſon to whom all theſe letters were delivered did not dare to produce them. Others were ſent to the convent of Canterbury, with no better ſucceſs; and the biſhop of Worceſter, who then was in Normandy, having been ſummoned to attend the great council in England, upon the affair of the young king's coronation, an attempt was made to prevail on him to carry over with him, and ſhew to his brethren, a tranſcript of the pope's mandate, or perhaps the original, if (as ſeems the more probable) that, which Becket had before ſent into England, was only a copy. The archbiſhop wrote a letter, ſetting before him in all the ſtrong colours of eloquence, the courage and magnanimity of his illuſtrious father, the brave earl of Glouceſter, and expreſſing great confidence that, upon ſuch an occaſion, he would not ſhew himſelf degenerate, by a timid behaviour. The whole diſcovers ſo much of the art and genius of Becket, that I have tranſcribed it into the Appendix belonging to this book. The biſhop of Worceſter, with much piety, was a vain and weak man. This flattery worked him up to a degree of enthuſiaſm, and made him deſpiſe all the danger which ſuch a commiſſion would expoſe him to from the rigour of the law. Indeed he riſked leſs than any other perſon, who ſhould commit the ſame offence; becauſe the memory of his father was dear to the king, and the ſimplicity of his character was an excuſe for his being miſled, eſpecially where he imagined, that religion was concerned. But, when he came to Dieppe, with an intention of paſſing into England, he received an injunction from Eleanor, and Henry's Norman juſticiary, Richard de Humet, not to go over; and, more effectually to prevent it, an embargo was laid on all the ſhips in that harbour. Whether this was done on ſuſpicion only, or in conſequence of ſome notice of what he had charged himſelf with, is doubtful: but it ſhews the great vigilance of the government at that time to guard againſt

A. D. 1170.
V. Epiſt. 11. l. v.
V. Epiſt. 40. l. iv. Appendix.
V. Fitſtephen in vitâ Becket.

A. D. 1170. the attempts which Becket might make to obſtruct the coronation: from whence it may be preſumed that Alexander himſelf had intimated to Henry by the mouth of Richard de Barre or of his colleague, that the meaſures he was obliged to keep with that prelate might force him to contradict the power he had given. Nothing indeed could be apparently more inconſiſtent than his whole conduct in this matter. For, beſides the abovementioned letter to all the biſhops of England, by which he forbad any of them, except the archbiſhop of Canterbury, to crown the young prince, he ſent not long afterwards, another to Becket, wherein that prelate himſelf, as well as his brethren, was poſitively commanded "not to officiate in or be preſent at any ſuch coronation, "*unleſs the king ſhould firſt have releaſed all his ſubjects from* "*the obſervation of his cuſtoms, and from the oaths which he* "*had lately compelled them to take.*" This was in effect an abſolute prohibition of Henry's deſign of crowning his ſon: for Alexander could not but know that theſe conditions would not be complied with; and in the mandate he had ſent, at the deſire of the king, to the archbiſhop of York, there was not a word concerning the royal cuſtoms. He moreover added, here another condition, viz. "that Henry ſhould take the "ſame oath to the church, *eſpecially the church of Canterbury*, "which the kings his predeceſſors had uſually taken." This aroſe from a ſuſpicion of an intention to change the coronation oath, in which the pope was miſled by ſome falſe information; as he was ſtill more in the notion that the church of Canterbury was particularly named in that oath. It does not appear that the archbiſhop thought fit to make uſe of this mandate; nor, in truth, could he do ſo, without great indiſcretion. But he was adviſed by a friend, whoſe name is concealed, to try, as his laſt reſource, to induce the king of France to ſend meſſengers to Queen Eleanor and Richard de Humet, who ſhould proteſt, on his part, againſt the coronation of the young prince. The counſel was judicious, and probably

V. Epiſt. 42. l. v.

V. Epiſt. 43. ibid.

V. Epiſt. 43. ut ſupra.

V. Epiſt. 11. l. v.

bably might have ſucceeded, if the execution of it had not been a little too late; but, before the meſſage was ſent, the ceremony was finiſhed. A. D. 1170.

How ſenſible a mortification it was to Becket, that he could by no means prevent the archbiſhop of York from performing this function, and how paſſionately he deſired to do it himſelf, appears from a remarkable letter written to him by his ſecret friend abovementioned. "What will you do (ſays "that perſon, who ſeems to have been much in his confi- "dence) what will you do, moſt wretched of men, if, by the "ſhortneſs of the time allowed you to act in with reſpect to this "affair, *you ſhould be now defrauded of that, which you have ſighed "for ſo long? if he, who ought to have reigned by none but you, "ſhould be made king by another?*" Theſe words plainly diſcover, that one of Becket's views, in deſiring to be elected archbiſhop of Canterbury, was that, by right of his office, he might crown the young prince, which would furniſh a pretence to make him believe, *it was by him that he reigned.* Thus the biſhops of Rome, becauſe their miniſtry was employed in crowning the emperors, preſumed to aſſert, that they *gave* the imperial crown, and that without their act an emperor could not be made. Becket hoped that the ſuperſtition and ignorance of the times would, in the ſame manner, aſcribe to the archbiſhop of Canterbury the virtue and power of making kings of England, and that he therefore ſhould moſt highly oblige his pupil, in conferring upon him the royal dignity, by the ceremonies of unction and conſecration. But he now loſt this hope. The prince was crowned by another, and (what diſpleaſed him more) by the rival of his ſee, and his perſonal enemy, the archbiſhop of York. From the influence of that prelate, which he apprehended would be much encreaſed by this act, the royal youth might likewiſe become his enemy, and would be more eaſily made ſo by his denying the validity of that coronation. Theſe thoughts were very pain-

V. Epiſt. 11. ut ſupra. Appendix.

A. D. 1170. ful to him, and his grief was inflamed to the higheſt degree of reſentment by his ſecret correſpondent, who warned him, that, in his judgement, all Henry's profeſſions of being diſ-

V. Epiſt. 11. l. v. poſed to a reconciliation were only deceit, by which he meant nothing more, than to gain time for himſelf, and to enſnare him afterwards more ſecurely. Nor did he tell him this merely as a notion of his own, but informed him that Richard de Ivelceſtre, one of the king's excommunicated ſervants, when he came to fetch over the prince of England from Caen, had ſaid to *him*, (the perſon who wrote this anonymous letter) " that the king would by all means delay the peace with the " archbiſhop, and, rather than make it, would diſobey, to the " end of his life, not only the pope, but God himſelf." From hence it appears that the perſon, who correſponded on this occaſion with Becket, muſt have been one unſuſpected by the king's friends, and to whom they ſpoke their opinions with the

V. Epiſt. 11, at ſupra. utmoſt freedom. He concluded his letter with this advice to that prelate, " uſe for the future no forbearance; but pour " out your whole ſpirit, unſheath your whole ſword: for the " eye of the king will never more look upon you. But may " the eye of God look with favour, upon you and the ſheep " of his paſture; *and may he deign to give his church the glory* " *of a victory over princes, rather than an inſincere peace with* " *princes.*" The ſoul of Becket entirely ſympathiſed with theſe words. They encouraged him ſo much that he inſtantly wrote ſeveral letters to England, by which he put that realm

V. Epiſt. 30. 35, 36, 37, 38, 39. l. v. under an interdict, within fifteen days after the receipt of them, and in a peremptory manner, without excepting even the caſe of his peace being made. But it does not appear that theſe letters were ever delivered.

The pope was ſomewhat leſs haſty and acted with more decency; yet he ſhewed that he would not bear a much longer delay. Henry had tried to obtain from him ſome pro-

V. Epiſt. 26. l. v. longation of the term preſcribed in his mandate, and had em-

ployed

ployed the mediation of the chief magiſtrates of the confederated cities in Lombardy, and of the embaſſadors from the Greek emperor, Emanuel Comnenus, who were then at Beneventum: but their good offices in his favour had no effect. And when Alexander heard that he was gone into England, he wrote immediately to his legates, the archbiſhop of Roüen and the biſhop of Nevers, "to follow him thither "without delay, and ſtrongly admoniſh him to fulfill what "he had promiſed in relation to Becket; which if he would "not effectually do within the term of forty days after that "admonition, or by any artifice eluded the ſeeing of them, "they were ordered to put all his dominions on the con-"tinent under an interdict. And they were further to tell "him, that, if he did not repent, *his Holineſs was determined* "*to ſpare him no more than he had ſpared the emperor Frederick* "(whom he ſpeaks of in this letter as being *depoſed) and* "*would certainly publiſh againſt him the ſentence of excom-*"*munication.*" A D. 1170. V. Epiſt. 4. l. v.

Before Henry was informed of theſe orders having been ſent, he had written to aſſure the archbiſhop of Roüen, "that he "would fully and willingly ratify that form of peace, which, by "his advice and by that of the other lords of his council, he "had himſelf propoſed to Alexander, and of which his Holineſs "had declared his grateful acceptance." This letter is dated at Weſtminſter, and ſeems to have been ſent not long after the time of his arrival in England. The language held in Normandy by Richard de Ivelceſtre agreed very ill with this declaration: but that miniſter rather ſpoke his own private opinion than the ſentiments of his maſter, judging perhaps of thoſe ſentiments from the affront done to Becket in the affair of the coronation, and other acts that bore a face of hoſtility and defiance, but were only deſigned to humble the arrogance of that prelate, and fright him into a temper more condeſcending and ſubmiſſive, with regard to the king. Yet, as Henry delayed V. Epiſt. 14. l. v.

A. D. 1170. delayed the execution of his promiſe, the legates would have immediately obeyed their inſtructions, if they had not been prevented by a letter from him, in which he declared, that he ſhould ſoon return into Normandy, and would have them wait for him there, without expoſing themſelves to the inconvenience and danger of paſſing the ſea. To this they agreed; which much offended Becket, who vehemently deſired that no further complaiſance ſhould be ſhewn to the king in this negociation.

V. Epiſt. 46. l. v.

He appears not to have known that all the articles of the agreement which Alexander preſcribed had been previouſly ſettled by the archbiſhop of Roüen and Henry himſelf, before they were ſent from Beneventum. For in a letter which he wrote to one of the legates, upon their deſign of going over to England, he deſired them to conceal their inſtructions from Henry, *that he might not know how much they had power to yield*, and pretend to break off the treaty, if that prince would not pay the thouſand marks he had promiſed by Vivian. He alſo preſſed them to inſiſt, that ſome of Henry's chief nobles, or one of them at leaſt, and all the biſhops of England, ſhould make themſelves pledges, or guarantees upon oath, for the execution of the treaty. But if the king could not be perſuaded to give theſe ſecurities, he inſiſted on their demanding, that the form of the peace ſhould be ſet down in letters patent under the great ſeal; and that one tranſcript thereof ſhould be delivered to him, another to the pope, and a third to the legates. He further deſired them to require, that the poſſeſſions of the church, which had been taken away, ſhould be put into their hands, to be by them delivered to his officers. Without the performance of theſe two laſt articles, he told them they were not to conſider the peace as certain; and therefore ought not to abſolve the excommunicated. Other conditions were added by him, which ſhew how exceedingly cautious and punctilious he was,

V. Epiſt. 12. l. v.

in his manner of treating, and how little ſatisfied with the plan of agreement ſent to Henry by the pope. In the concluſion he thus directs them how to negociate with the king. A.D. 1170.

"As it is not eaſy to diſcover the manifold artifices of *that* "*monſter*; whatever he ſays, whatever ſhape he puts on, ſuſ- "pect it all as full of deceit, unleſs it be manifeſtly proved "by his deeds: for if he ſhould perceive that he can either "corrupt you with promiſes, or fright you with threats, or "obtain any thing againſt your honor and the ſafety of the "cauſe, all your authority with him will inſtantly vaniſh, and "you will become the contempt and the jeſt of him and his "court. But if he ſees that he cannot bend you from your "purpoſe, he will at firſt counterfeit fury, he will ſwear, for- "ſwear, take as many ſhapes as Proteus did, and at laſt come to "himſelf again; and, if it is not your own fault, you will be "from that time *a God to Pharaoh*." With ſuch an inſolent diſrepect did this prelate talk of his ſovereign! But all theſe admonitions proved ineffectual. The legates, well knowing that the king had ſeen their inſtructions, adhered to them ſtrictly; and Becket had nothing left to ground a cavil upon, except the punctilio of the kiſs, which Henry refuſed. He ſaid, "it was a form eſtabliſhed, among all nations, and in all "religions, without which peace was no where confirmed. "That if, inſtead of receiving it from the king, he received it "from his ſon, it might be ſaid in the world that he was only "reſtored to the prince's favour, not the king's; which if "the vulgar ſhould hear it would give them an occaſion to "reflect on the peace." Theſe arguments were ſo trifling, that he himſelf muſt have felt the weakneſs of them. For, if Henry intended to act inſincerely in this reconciliation, how could he think, that his having been compelled, in ſo offenſive a manner, to give the kiſs of peace, would alter thoſe intentions? how would it avail more to *him* than it had done to the nobles of Poitou, mentioned in the ſame letter, with whom he ſays that the king had broken his engagements, though

V. Epiſt. 12. l. v.

V. Epiſt. 12. l. v.

A. D. 1170. though taken under that pledge? In truth, he did not inſiſt upon this ceremony for the ſake of ſecurity. It was a humiliation to which he malignantly deſired to bring the king, who could not recede from a vow he had publickly made, without a publick diſhonor. The triumph of conſtraining him to buy his peace, by ſuch a ſtain on his character, flattered the pride of Becket, and ſoothed his reſentments. But it irreconcilably offended Henry, who could not forgive the cruel arrogance of ſuch a proceeding. The pope indeed of his own accord, and without his having aſked it, had abſolved him from his vow; but he remembered what anſwer his wife and royal grandfather, Henry the Firſt, had, by the advice of his council, returned to Calixtus the Second, who offered to abſolve him from an oath he had taken, on a ſimilar occaſion. "*The pope ſays, that, by his apoſtolick authority, he will abſolve me from the vow I have ſolemnly made, if, againſt that vow, I will receive Archbiſhop Thurſtan in York. But it does not ſeem agreeable to the honor of a king that I ſhould conſent to ſuch abſolution. For who will afterwards truſt any promiſe made upon oath, if, by the example of what has been done in my caſe, it ſhall have been ſhewn that the obligation of an oath may be ſo eaſily cancelled?* There was great dignity and truth in theſe words. Henry the Second muſt have felt, no leſs than his grandfather, that the pope's abſolution in this caſe could not heal his honor; and therefore he ſhewed ſuch reluctance to yield the point to Becket. Nevertheleſs, as that prelate continued obſtinately to refuſe the expedient propoſed, he was compelled to ſubmit to this grievous indignity, or ſtand all the conſequences of not making the peace by the limited time. If he had poſſeſt no dominions out of this iſland, he would not have had much to apprehend from thoſe conſequences; for the Engliſh nation was certainly in no diſpoſitions to join with Becket againſt the crown, much leſs to revolt from their allegiance to the king: and even ſuppoſing they might have ſcrupled to pay him obedience, they would without difficulty have obeyed the young

V. Epiſt. 1. l. v.

Eadmer Hiſt. Nov. l. v. p. 126.

young king, his ſon, in whoſe name the whole government might have been eaſily carried on, till that ſtorm was paſt. But the danger was on the ſide of his foreign dominions. Many of theſe, he was ſenſible, were diſpoſed to rebell; being full of nobles whom he had puniſhed for their former revolts, or who were conſcious to themſelves that they merited puniſhment. The king of France might be brought, by the inſtigations of Becket, to take on himſelf the execution of the anathema pronounced by the pope, or, in the language of that age, *to join his ſword to that of Saint Peter*. His bigotry and his policy would equally incline him to act this part. Nor could Henry much doubt that the renewal of the war between Louis and him, upon a pretence of religion, would produce a new inſurrection in Poitou and Bretagne, and poſſibly ſhake the fidelity of all his other French ſubjects. By two letters of Becket, written not long before, it appears that the confidence of that prelate was founded on the hopes of ſuch a defection, in caſe that an interdict ſhould be laid on the territories of Henry in France. *If the pope* (ſays he to his friend the archbiſhop of Sens) *would but do that, there is nothing he could require, which, without difficulty or delay, he might not obtain. For the nobles favour the church.* In the other letter he ſays, that, *whatever the king might pretend or threaten, he would not dare to deny any thing, that the pope ſhould aſk of him, if his Holineſs would reſolve to ſtretch out his hand againſt his dominions on that ſide of the water. Nay, the menace of it would be ſufficient to obtain all demands, without putting the ſentence in execution.* And, in a former letter of confidence to ſome of his friends in the court of Rome, he wrote thus: *Know, that the archbiſhop of Roüen and ſome others have told the king to his face, that none of them would hold communion with him, againſt the mandate of the pope, but on the contrary, if any ſentence was paſt againſt him or his territories, they would ſtrictly obſerve it.* The truth of this may, perhaps, be doubted; but it is certain that Henry had reaſon to expect a great diſturbance in his foreign dominions; and his

A. D. 1170.

V. Epiſt. 61. 65. l. iii.

V. Epiſt. 139. l. i.

A. D. 1170. apprehenſion of it obliged him to act with leſs dignity, than, as king of England, he might or would have acted. On the other hand, he had hopes of great advantages from the accidents time might produce. The death of Alexander was a contingency, which, from the age of that pontif, he might reaſonably preſume would not be diſtant; and he thought himſelf ſure, that the removal of Becket from Canterbury, if not a confirmation of all the dignities and cuſtoms of his realm, would be eaſily granted to purchaſe his acknowledgment of any other pope. He therefore had tried, by every art of delay, to avoid the neceſſity of a ſpeedy agreement; and, as he now ſaw, that he could uſe thoſe evaſions no longer, but muſt immediately make peace with Becket or war with the pope, he choſe the firſt, as the leaſt evil. Such a conduct indeed was very conformable to the whole courſe of his policy, which always inclined him to temporize, and wait for the proper ſeaſons to act with advantage. But one may venture to affirm, that, if the archbiſhop had been in his ſituation, and he in the archbiſhop's, this affair would have concluded in a different manner. The intrepid ſpirit of Becket would have braved the thunders of the Vatican; he would have hazarded, he would even have loſt all his territories in France, rather than have ſubmitted to grant a peace to his rebel ſubject, without having reduced him to an humble ſtate of duty and obedience. But Henry purſued his own maxims, and ſince Becket would not be ſatisfied without receiving from his mouth *the kiſs of peace*, he promiſed to give it: but the legates having propoſed, that their firſt meeting ſhould be in the diſtrict of Chartres, where he had appointed the conference with the French king, he deſired to defer that part of the ceremony till he ſhould return into his own territories. The reaſon of this procraſtination we learn from ſome words he ſaid to the legates, when they preſt him to ſatisfy the archbiſhop in this, as well as other demands. His anſwer was,

V Epiſt. 166. l. i.

V. Epiſt. 46. l. v.

Fitſtephen.

"*In*

"*In my own territories I will kiſs him, nay, his very hands and* A. D. 1170.
"*feet, a thouſand times: let him only defer it now, that it may*
"*appear to be done out of my grace and good will, and not by*
"*conſtraint.*" To which Becket, with great difficulty, was brought to conſent, and came to the conference, being perſuaded, or rather compelled to it, by his great friend and protector, the archbiſhop of Sens, who was then legate in France. Two days were employed in ſettling the differences between the two kings, of which an account has been given: V. Epiſt. 46. ut ſupra.
but on the third day, which was the feaſt of St. Mary Magdalene, the archbiſhop of Canterbury was admitted, in the before-mentioned meadow near Frettevalle, to the preſence of Henry, who was attended by the earl of Blois, and many other princes, nobles, and biſhops of France, as well as of his own territories, and by a great croud of ſpectators. But Louis was abſent; that it might not be ſuppoſed he influenced Henry in this tranſaction: the latter being apprehenſive, and not without reaſon, that his honor and the dignity of his crown might be hurt if ſuch an opinion ſhould prevail. I ſhall give the particulars of what was done there from an account ſent to the pope by Becket himſelf. V. Epiſt. 45. l. v. V. Appendix.

"Upon the ſight of your laſt letters (ſays that prelate to
"Alexander) in which you threaten his realm with an inter-
"dict, and his perſon with excommunication, the king of
"England immediately made peace with me, to the honor
"of God, and, as I hope, to the very great advantage of the
"church. *For he has not ſo much as preſumed to mention the*
"*royal cuſtoms, which he was uſed to aſſert ſo pertinaciouſly.* He
"exacted no oath from me, nor from any of my friends.
"The poſſeſſions, which, on account of this diſſenſion be-
"tween us, he had taken away from the church of Canter-
"bury, he granted to me, as they were ſet down in the writ-
"ing drawn by myſelf: peace and a ſafe return he promiſed
"to all, and *the kiſs* to me, if I would abſolutely inſiſt upon
"his being compelled to it: *ſo that not only he appeared, in*

A. D. 1170. "*every point, to be conquered, but was even ſaid to be perjured,*
"*by thoſe who had heard him ſwear, that he would not give me*
"*that kiſs, upon our reconciliation.*"

After this arrogant, malignant, unchriſtian triumph over his ſovereign, which plainly ſhews what he meant in contending ſo obſtinately for the trifling article of *the kiſs*, the archbiſhop thus proceeds to relate to his Holineſs the particulars of their meeting. "I found the king ſo much changed, that, "to the wonder of all preſent, his mind ſeemed not averſe to "peaceful counſels. For, when he ſaw me at a diſtance com-"ing towards him, haſtily ſpringing out of the croud that "ſurrounded him, he came to meet me, and uncovering his "head prevented me, by eagerly breaking out into words of "ſalutation before me: then, after a ſhort converſation, at "which only I and the archbiſhop of Sens were preſent, he "drew me aſide, to the aſtoniſhment of all the aſſembly, and "diſcourſed with me, a long time, in ſo familiar a manner, "that one would have thought there had never been any "diſcord between us."

But, notwithſtanding this affected graciouſneſs, with which Henry received him, he tells the pope, "he did not ſpare to re-"prove that monarch for his conduct, to ſhew him his danger, "and to beg and admoniſh him, that, by making the church a "publick ſatisfaction for the great injuries he had done her, he "would clear his conſcience, and redeem his reputation, in "both which he had greatly ſuffered, though more from bad "counſellors than his own inclinations." And finding that the king heard theſe offenſive admonitions, not only with patience, but with benignity, and *promiſed amendment*, he added a long diſcourſe upon the particular wrong done to the ſee of Canterbury, in the coronation of the young king by the archbiſhop of York; which, as it only contains what has already been mentioned, I ſhall not repeat, but refer thoſe, who may incline to ſee it in Becket's own words, to the letter itſelf, which they will find in the Appendix belonging to this book.

He

He enforced his arguments with expoſtulations, "why Henry A. D. 1170.
"would thus deſpoil his mother, the church of Canterbury,
"without cognizance of the cauſe, of her ancient right, which
"ſhe was known to have poſſeſt unſhaken for above four-
"ſcore years?" aſking him, "whether he had a mind to per-
"petuate enmity between the church and his children? why,
"if he was in haſte to have his ſon conſecrated, he did not, at
"leaſt, take care to exclude from the ſolemnity thoſe, whom
"he knew to have been, by name, excommunicated, both by
"him and the pope?" In anſwer to theſe, and other queſtions of the ſame nature, Henry pleaded the mandate he had obtained of the pope, upon the death of the laſt archbiſhop of Canterbury, and produced it to him there, as if it had been the ſole authority upon which he had acted, making no mention of that, which had ſo lately been ſent to the archbiſhop of York. Becket put him in mind "that the former had been obtained by him, only for the ſake of preventing the archbiſhop of York from crowning his ſon; and that he often had publickly declared, in thoſe days, *that he had rather his ſon ſhould loſe his head, than that this prelate ſhould lay his heretical hands upon him.*" Why the archbiſhop of York was branded with hereſy does not appear in this letter, nor any where elſe: but Henry might have received ſome prejudices againſt him, from ill offices done him by Becket, who then poſſeſſed the favour of that monarch; which prejudices, I imagine, were now removed.

Becket added, "that, even ſuppoſing the privilege the king had obtained did reach theſe times, yet ſtill it was undeniable that it might be annulled by a ſubſequent mandate: wherefore, *his* being of a date poſterior to that alledged by Henry, and contrary to it, no regard ſhould have been paid to the authority of the former."

The mandate here mentioned by this prelate to the king, could not be the laſt which he had ſent into England; (for *that* had not been delivered) but muſt have been

the

A. D. 1170. the more general one, obtained by him from Alexander ſome time before. This he ſuppoſed was ſufficient to abrogate Henry's, not knowing that one of a later date had been ſent to the archbiſhop of York, which as the king did not mention, we may conclude from his ſilence, that he was reſtrained from ſpeaking of it to Becket, by the particular deſire and injunction of the pope.

In their diſcourſe on this ſubject Becket ventured to throw out a plain intimation, that the coronation was invalid; affirming, "*that the king's conſecration, like other ſacraments, drew* "*all it's validity, from the right of the perſon adminiſtring to do* "*that office.* Nor think, continued he, I ſay this, becauſe I "deſire that your ſon ſhould be degraded, or any way leſ- "ſened, (for I ardently wiſh him ſucceſs and encreaſe of "glory; and will labour to advance it by all *godly* means) "but to the end that you may remove from yourſelf and from "him the wrath of God, *and of thoſe ſaints who reſt in the* "*church of Canterbury, and have been grievouſly injured by this* "*proceeding*; which I do not believe can be done by any other "means, than making a full ſatisfaction: *ſince it is a thing un-* "*heard of for many ages, that any one has injured the church of* "*Canterbury, without being corrected, or cruſhed, by our Lord* "*Jeſus Chriſt.*" The king anſwered, with an air of great ſatisfaction, "if you love my ſon, you do what you are bound "to by a double tie: firſt, becauſe I gave him to you as a "ſon, and, you may remember, you received him from my "own hand: next, becauſe he loves you with ſo much fond- "neſs, that he cannot bear even to look upon any of your "enemies. For he would have reſtrained them already from "doing you any harm, if he had not been checked by the re- "verence and fear of my name. But I know that he will re- "venge you of them, even more than he ought, as ſoon as "time and opportunity ſhall give him power ſo to do. Nor "have I any doubt that the church of Canterbury is the moſt "noble of all the weſtern churches; nor do I deſire to de-

V. Epiſt. 45. l. v.

"prive

" prive it of it's right; but will rather take care according to A. D. 1170.
" your advice, that it ſhall have redreſs in this article, and
" recover it's priſtine dignity in every point. *But to thoſe*
" *who have hitherto betrayed both you and me, I will, by the*
" *bleſſing of God, make ſuch an anſwer, as the deſerts of traitors*
" *require.*" At which words Becket immediately deſcended from his horſe (for both Henry and he were on horſeback) and threw himſelf at the king's feet; who ordered him to remount, *holding himſelf the ſtirrup for him*, and ſaid, with tears in his eyes, " My lord archbiſhop, what occaſion is there for
" many words? let us now mutually reſtore to each other our
" former affection, and do one another all the good we can,
" entirely forgetting the late diſcord between us. But I deſire
" that you would honor me in the preſence of thoſe who are
" looking upon us at a diſtance." He then returned to the aſſembly, where caſting his eyes on ſome enemies of Becket, he ſaid aloud, " if, when I find the archbiſhop full of all good diſ-
" poſitions to me, I were not reciprocally good to him, I ſhould
" be the worſt of men, and prove the evil that is ſpoken of me
" to be true. Nor can I think any counſel more honorable or
" uſeful to me, than that I ſhould endeavour to go before
" him in kindneſs, and excel him in charity, as well as in be-
" nefits." Which ſpeech was received, by almoſt all who were preſent, with the higheſt gratulation. And had the king gone no further, than to declare a forgiveneſs and oblivion of all paſt offences, or even to ſooth the pride of Becket, by words and actions of grace and condeſcenſion, without any groſs flattery, or indecent humiliations, he would have acted a prudent, and perhaps, in that ſituation, a laudable part. For, as he thought it neceſſary to be reconciled to him, it was better to endeavour to gain him by kindneſs, and quiet that ſpirit he could not bend, than to exaſperate him more by publick marks of averſion. But in ſome parts of his diſcourſe and behaviour he exceeded all the bounds of good ſenſe or true policy; eſpecially in calling thoſe who had faithfully ſerved

A. D. 1170. him againſt the rebellious archbiſhop, by the odious name of *traitors*, and promiſing to treat them *as ſuch*; if this part of Becket's narrative deſerves any credit. The thing is very improbable; and, as he ſays this converſation was *apart from the company*, it reſts only upon the evidence of his own word. I incline to ſuppoſe that ſomething may have really been ſaid by Henry, which approached to the purport of what he thus relates; becauſe no reaſon appears why he ſhould deſire to impoſe upon the pope, as to the *ſubſtance* of what paſſed on this occaſion; but in repeating the *words* he might tincture the expreſſion with his own paſſions, and give a force and acrimony to it, beyond the truth. Yet, even upon this ſuppoſition, the king was much to blame. He ought not to have uttered a ſyllable which could give the archbiſhop even the ſlighteſt pretence to make ſuch a report. It diſhonored his character: it was falſe; it was mean; it anſwered no good purpoſe. But men of ſtrong paſſions and high minds, who are forced to diſſemble, are very apt to overact the part they aſſume; and it ſeems that Henry did ſo, moſt extravagantly, in this converſation.

Soon after he and Becket were returned to the aſſembly, he ſent his biſhops, to acquaint him, that he would have him make his petition before them all. Some of them adviſed him *to throw himſelf and the cauſe of the church wholly upon the king's pleaſure*. But this he rejected *as the iniquitous counſel of Scribes and Phariſees*; and having withdrawn for ſome time, in order to conſult thereupon the archbiſhop of Sens and the companions of his exile, he was confirmed in his intention, *by no means to ſubmit to the king's judgement the queſtion about the royal cuſtoms, or what had been wrongfully taken from the ſee of Canterbury, or the complaint of the uſurpation upon the rights of that ſee in the young king's coronation, or the damage the church had ſuffered in her liberty, and he in his honor.*

V. Epiſt. 45. et ſupra.

Purſuant to this reſolution he went back to the aſſembly, and not by himſelf, as he ought, in decency, to have done, but

but, by the mouth of the archbiſhop of Sens, petitioned the king to reſtore to him his royal favour, peace and ſecurity to him and his, with the church of Canterbury, and the poſſeſſions belonging to it, as ſet down in the writing the king had ſeen. He further requeſted, that the king would be mercifully pleaſed to amend what had been preſumptuouſly done againſt him and his church in the young king's coronation; promiſing him love, and honor, *and whatever ſervice could be performed in the Lord, by an archbiſhop, to his ſovereign.* A. D. 1170. V. Epiſt. 45. ut ſupra.

This petition was very different from that form of words, which had been ſettled between the king and the pope, and in which Becket had no authority to make any change. But, being encouraged by the great kindneſs with which the king had received him, he ventured to obtrude on that prince another form, varying but little in the expreſſions from that which he had himſelf propoſed the year before at Montmartre, and which Henry had then rejected. This would have authorized the king to break with him, had he been in a ſituation to take ſuch a ſtep: but, after the extraordinary marks of favour, ſo publickly given to Becket, he rightly judged, that he had gone too far to go back, and therefore, without objecting to the words of it, granted the petition. He likewiſed received into grace all the archbiſhop's friends and companions in exile, who had been brought thither for that purpoſe. V. Epiſt. 46. l. v.

It was natural to think that theſe exceſſive condeſcenſions would have had ſome effect; but they were not ſufficient to ſatisfy the archbiſhop, or ſoften his mind. In writing to Alexander on this ſubject he told him, "that, becauſe his Holineſs "had not injoined a *full reſtitution* of what had been taken "away from him or his friends, *that demand was indeed delayed*, "but *not given up: for he was reſolved to inſiſt on it*; and if his "Holineſs had injoined it with the ſame vigour as the reſt, "the king would, unqueſtionably, have made ſatisfaction, "and have given an example to poſterity of perpetual advan- "tage to the whole church of God, and chiefly to the apoſto- V. Epiſt. 45. l. v.

A. D. 1170. "lical ſee." By *full reſtitution* he meant *a compenſation for loſſes*, as well as the reſtoring of benefices and lands: for the latter had been injoined in the form preſcribed by the pope, and ſtrongly inſiſted upon in the inſtructions ſent to the legates; nor did Henry cavil about it. On the contrary it appears, that, without having received any further injunctions on that point, he ſent over letters patent to the young king his ſon, notifying to him the peace he had made with the archbiſhop of Canterbury, and commanding *that this prelate and all they who had been baniſhed on his account ſhould have their poſſeſſions reſtored to them, as they had enjoyed them three months before he went out of England.* But Becket wanted to obtain a full reparation for all the profits conſumed, and damages done, during the time of their baniſhment; though, as the pope had prohibited the clogging of the treaty with this condition, he durſt not inſert it in his petition to the king. Indeed ſuch a demand was very inconſiſtent with the deſire ſhewn by that pontif of reſtoring union and quiet to the church and kingdom, by at leaſt a temporary oblivion of offences on both ſides; nor was there any probability that it would have been granted, without a violent conteſt, which the policy of Rome in that conjuncture was unwilling to riſk.

V. Epiſt. 34. l. v.

V. Epiſt. 43. l. v.

V. Epiſt 45. l. v.

After the ceremonial of their meeting was over, Henry kept the archbiſhop in familiar diſcourſe till late in the evening, and at parting they agreed, that, when the king left that place, he alſo ſhould go from thence, to take leave of Louis; and then return into Normandy, to make ſome abode in the court and near the king's perſon; *that it might be apparent to all, into what familiarity and favour that prince had received him.* When he was going away, the biſhop of Liſieux, in the preſence of the whole court and of Henry himſelf, earneſtly exhorted him, *that, as the king had now received his friends into favour, he ſhould in like manner receive all the ſervants of the*

king, who were preſent there. But he found a diſtinction to elude this propoſal, ſaying, "that thoſe the biſhop interceded "for were in various circumſtances, more or leſs guilty, ſome "excommunicated, others not, ſome for one cauſe, ſome for "another, ſeveral by him and their own paſtors, others by "the pope himſelf, who, without an authority given by his "Holineſs, could not be abſolved. Therefore he could not "indiſcriminately confound them together; *but having ſen-* "*timents of peace and charity for them all, as much as in him* "*lay, he would, by the divine aſſiſtance, ſo manage the matter, to* "*the honor of the church of God, the king's, and his own, as alſo* "*to the ſalvation of thoſe for whom this reconciliation was aſked,* "*that if any one of them (which he prayed might not happen)* "*ſhould fail of reconciliation and peace, he muſt impute it to* "*himſelf, not to him.* He threw in likewiſe, *that he deſired to* "*hear the king's advice upon this point before he proceeded.*" To which evaſive anſwer (which is indeed a maſterpiece in its kind) the archdeacon of Canterbury, who was one of the excommunicated perſons, making an angry and contemptuous reply, the king, for fear of a quarrel, *drew off the archbiſhop*, and with great civility ſent him home. A.D. 1170.

This is the ſubſtance of what Becket wrote to the pope on the peace he had made with the king, which (to uſe an expreſſion of his in another letter on the ſame ſubject) *he hoped would turn out to the advantage of the church, and the enlarging of the authority of the apoſtolical ſee in England.* But Henry did not intend that his triumph over the government ſhould be ſo great as he thought. Though the royal cuſtoms were not *confirmed* by this treaty, they were not *given up*. The king had been very cautious to admit of no words which the pope himſelf could interpret into a promiſe, or engagement, that he would annul them; nor can I diſcover the leaſt evidence, that he was not as much determined to maintain them as before his agreement with Becket. That agreement was therefore no deciſion of the diſpute concerning thoſe V. Epiſt. 48. l. v.

A. D. 1170. cuſtoms: but Becket hoped that the terror of excommunication, which had forced the king to allow him to return to his ſee, without any aſſurance that he would obey the conſtitutions of Clarendon, would alſo protect him from any conſequences of that monarch's diſpleaſure on account of his diſobedience; eſpecially being now the pope's legate in England, which he thought would ſecure his perſon in all events. Nor did he mean to leave the controverſy he had begun with the crown on the foot it ſtood at this time. In a letter he wrote to the biſhop of Oſtia on this occaſion, he tells that prelate, who had ſerved him in all his affairs at Rome, "that the peace which, through his means, he had obtained from *the father of mercies*, was ſuch as the world could not have given, or hoped for; *but yet the whole ſubſtance of it conſiſted only in hope*. Nevertheleſs he truſted in God that ſomething *real* would follow, and *that he who made it would complete his work*."

V. Epiſt. 49. l. v.

It is worthy of notice, that, among other friends in Alexander's court, Becket wrote to William of Pavia, who, a little before he left France, had, by the mediation of Louis, whoſe favour he had recovered, been reconciled alſo to that prelate, and in making this peace had done him ſome ſervices, with which it ſeems he was well pleaſed. For he was now as immoderate in his acknowledgements as he had formerly been in his complaints. He told the cardinal, "it was juſt, that the church of Can-
"terbury, which his care and diligent toil, with that of a few
"other friends, had brought at length into port, ſhould make
"him and them, on account of that obligation, the moſt
"grateful returns of ſervice and devotion. *For her* (ſays he)
"*you paſt the ſeas, penetrated and ſurmounted the Alps, fought*
"*with beaſts in this country; and in the court of Rome itſelf, where*
"*we were moſt ſtrongly and ſharply attacked, you have often and*
"*long endured the burthen and heat of the day; and at laſt*
"*(becauſe your labour was in the Lord) you have wiſely and*
"*uſefully triumphed.*"

V. Epiſt. 50. l. v.
V. Epiſt. 57. 81. l. iii. 26. l. iv.
V. Epiſt. 50. ut ſupra.

One

One ſhould hardly imagine that this letter could be written to the ſame man, at whoſe behaviour in his legation Becket had often expreſſed the utmoſt diſguſt! Nor yet had he really altered his opinion about that behaviour. For, in a letter he wrote not long before, and where he ſpoke the undiſſembled ſenſe of his heart, we find him affirming, "that, *of all whom* "*the ſee of Rome had ſent to the king of England for the cauſe* "*of the church, Gratian alone had done her no injury.*" A. D. 1170. V. Epiſt. 21, l. v.

Henry was now returned into Normandy, where he was ſeized with an illneſs ſo violent, that thinking himſelf in danger he made his will, by which he left to Prince Henry, his eldeſt ſon, the dutchy of Normandy and the earldom of Touraine, beſides Anjou and Maine, which had been ceded to him by the late treaty of Montmirail, that he might have his paternal inheritance entire and complete. The kingdom of England had, in effect, been ſettled upon him before, by his being crowned king; but that deſignation was alſo confirmed by this teſtament; and ſo was the ceſſion made of the dutchy of Aquitaine and all it's appurtenances, by the abovementioned treaty, to Richard, his brother. It cannot be properly ſaid that Henry *gave*, or *bequeathed*, Bretagne to Prince Geoffry: for to *him* it belonged, by his marriage with the heireſs of it, and not to his father, who had no pretenſions to any part of it, except the earldom of Nantez, which, when he contracted his ſon to Conan's daughter, he immediately reannexed to the ducal demeſne. Nevertheleſs, from the words of ſome contemporary hiſtorians, it ſeems that by his will he recognized and confirmed the ſettlement made by that contract. To John his fourth ſon, who was at this time a young child, he did not give any territory, or portion in money, but recommended his fortune to the affection and care of his eldeſt brother. When he had thus ſettled his affairs, he deſired to be buried in the monaſtery of Grammont, for which he had a particular and ſuperſtitious veneration, Benedictus abbas. Hoveden, ſub ann. 1170. Benedictus Abbas, p. 6. ſub ann. 1170.

A. D. 1170. veneration, *at the feet of one of their abbots*, who was there interred. His biſhops and nobles very properly objected againſt it, as debaſing the royal dignity; but he inſiſted upon it, and produced to them a written promiſe, which he had obtained of the monks for the performance of his will in this reſpect. I mention this circumſtance, becauſe it is what one ſhould hardly have ſuppoſed in the ſpirited antagoniſt of Becket and Rome. But it was very difficult, in thoſe times, to ſeparate a ſincere belief of religion from the ſuperſtitions mixed with it; and ſome other weakneſſes of a like nature ſhew, that Henry's underſtanding, however acute in other points, could not always diſtinguiſh the genuine truths of the Chriſtian faith from that impure mixture. His illneſs did not prove mortal; and the ſame falſe religious notions made him aſcribe his recovery to the protection of *St. Mary of Roque-Madour in the Quercy*, whom he had invoked in his danger, and addreſſed to her a vow, that, if his health was reſtored, he would go in pilgrimage to her ſhrine; which, as ſoon as he found himſelf able to bear the journey, he piouſly performed. Yet this devotion did not incline him to more complaiſance in his diſpute with the church and the archbiſhop of Canterbury. Though he deſired, after his deceaſe, to lye at the feet of a dead monk, he would not ſubmit, in his life-time, to the inſolence of an arrogant prelate.

The execution of the peace he had granted to Becket had now been delayed above two months. His illneſs was the pretence, but the true reaſon was his anger at Becket's behaviour, and the inſtigations of thoſe who thought their credit and intereſt ſacrificed in the peace, as well as the honor and dignity of the crown. Hence he naturally ſought for any excuſes, to avoid performing a treaty, which he had made with reluctance, and reflected upon with ſhame. When Becket's meſſengers came into England with the letters written in his favour from the king to his ſon, they were avoided by moſt men, as perſons with whom it was dangerous to hold converſation. Nay, his

his beſt friends in that kingdom were ſo ſtrongly perſuaded of Henry's irreconcileable enmity to him, that they could hardly be convinced of his peace being made, even by the ſight of the letters patent. Many of them ſent their advice to him, not to come thither, upon any account, till he had found means to ingratiate himſelf more with the king, and had obtained from him a ſincere reconciliation. Whereupon he wrote to that monarch a ſubmiſſive and decent letter, complaining of ſome delays, which he ſuppoſed were affected, in making the reſtitution agreed to be made, and, more particulary, of the inſolence of Ranulph de Broc, who had publickly ſaid, *that Becket ſhould not eat a whole loaf in England before he took away his life.* The archbiſhop had alſo notice, from ſome of his correſpondents, that the ſame man had, ſince the concluſion of the peace, committed great waſte on the lands of the ſee of Canterbury, which were in his cuſtody, and even at this time, in direct contempt of the orders ſent by the king, laid up the produce of them in his own caſtle. To put a ſtop to theſe proceedings, Becket deſired of Henry, that he would permit him to go immediately over to England. "By your grace and "permiſſion (ſaid that prelate to the king) I will now return to "my church, *perhaps to periſh for her*, unleſs your piety deigns "to afford us a further and ſpeedy conſolation. But, *whether* "*I live or die, yours I am, and will be, in the Lord; and whatever* "*becomes of me and mine, may God bleſs you and your children.*" One would think that he really apprehended ſome danger: for he expreſſed the ſame fears in a private letter to the pope. His words are very remarkable: "I believe I ſhall go into "England, *whether to peace or to puniſhment I am doubtful*; "but the divine providence has ordained what ſhall be my "lot. *I therefore commend my ſoul to you, O holy father*, re-"turning thanks to you and the apoſtolick ſee, for all the "comforts you have adminiſtred to me and mine in our di-"ſtreſs."

A.D. 1170.

V. Epiſt. 54. l. v.

V. Epiſt. 52. l. v.

He

A. D. 1170.

He had indeed at this time great reaſon to thank the pope. For letters had been ſent to him from his Holineſs, by which that pontif ſuſpended the archbiſhop of York, the biſhop of Durham, and all the ſuffragan biſhops under the ſee of Canterbury, who had been preſent at the coronation of the young king. He alſo charged them with having ſuffered that prince to omit the uſual oath of the Engliſh kings for the protection of the church, and with having themſelves, on that occaſion, taken one to maintain the conſtitutions of Clarendon; for the exacting of which he very angrily complained of the king. And the biſhops of London and Saliſbury having made (as he expreſſed it) an ungrateful return for the favour he had ſhewn them, in taking off their excommunication, he put them again under that ſentence, and gave Becket power to proceed as he pleaſed againſt the biſhop of Rocheſter, *becauſe that prelate, as vicar to the archbiſhop of Canterbury, ought to have been particularly careful of ſupporting his rights.* Theſe letters were dated in September of this year, eleven hundred and ſeventy; and were probably drawn from Alexander, by complaints ſent to him from France of the injury done to Becket in the affair of the coronation, particularly from the archbiſhop of Sens, who, with great freedom of language, reproached his Holineſs on that ſubject. But, as for the charge brought againſt the Engliſh prelates abovementioned, of having allowed the young prince, at his coronation, to omit the uſual oath, and having then taken one to ſupport the royal cuſtoms, it was abſolutely groundleſs. Probably Becket deceived by ſome falſe report had led the pope into this error. And though, when theſe letters came to him, he was better informed, he had not candour enough to own his miſtake; but ſaid, in his anſwer, "*they were undoubtedly dictated by the Holy Ghoſt, and* "*corrected the king's enormities with an authority becoming the* "*ſucceſſor of Peter and the vicar of Chriſt.*" Nevertheleſs he thought it adviſeable not to make uſe of them, *for fear of offending the king, and diſturbing the peace concluded with that prince*

V. Epiſt. 65. 66, 67. l. v.

V. Epiſt. 25. l. v.

V. Epiſt. 77. l. v.

V. Epiſt. 52. l. v.

prince. Wherefore he humbly entreated the pope to ſend him others, "*in which there ſhould be no mention made of the faults* "*of the king, or of the oath to obſerve the royal cuſtoms, or of* "*the omiſſion of that for ſecuring the church, at the young king's* "*coronation, but the ſame ſentence of ſuſpenſion inflicted on the* "*archbiſhop of York, and the other biſhops there preſent, ſingly* "*on account of the injury done to the rights of the ſee of Can-* "*terbury.*" And, with relation to the biſhops of London and Saliſbury, he made it his requeſt, *that he might be permitted to have mercy upon them, if they could not be puniſhed, according to the mandate ſent by his Holineſs, without occaſioning a ſchiſm in the church.* On which account he deſired *a diſcretionary power* to excommunicate them or not, as the times and the exigence of his cauſe ſhould require; and likewiſe to ſuſpend or ſpare the other prelates, except the archbiſhop of York, who being (as he ſaid) *the incendiary and the head of all theſe wicked perſons,* he prayed his Holineſs to reſerve him to his own judgement. In truth, as that prelate was actually legate for Scotland, he could not be ſubjected to the legatine power committed to Becket. But the latter moſt artfully took this opportunity to advance the dignity of his ſee, by deſiring the pope to determine the diſpute between Canterbury and York concerning the primacy, which had been left undecided by the ſee of Rome, in favour of Canterbury, without appeal; *not* (as he told his Holineſs) *for his own glory, but for the peace of the church and prevention of ſchiſm.* He likewiſe aſked the ſame power that his Holineſs had conferred on the archbiſhop of Roüen and the biſhop of Nevers, *or even a greater:* (by which he meant a permiſſion to excommunicate Henry, as well as to lay his dominions under an interdict) *becauſe* (ſays he) *the more potent, and the more fierce that prince is, the ſtronger chain and the harder ſtick will be neceſſary, to bind and keep him in order.*

A. D. 1170.

V. Epiſt. 52. l. v.

Before any anſwer to this letter arrived from the pope, he went to wait on the king, who received him with a great deal

Quadrilogus.

A. D. 1170. of formal civility, but not with that air of cordiality, and reviving affection, which he had ſhewn him in their meeting at Montmirail. Nor did he give him *the kiſs of peace*, as, according to his late promiſe, he ought to have done, being now in his own dominions. Nevertheleſs he was accompanied by him in a journey to the borders of Touraine, where he had appointed to meet the earl of Blois, for the adjuſting of ſome diſputes between them; and, as they rode together, the archbiſhop ſharply expoſtulated with him upon the breach of his word; which he returned by reproaching that prelate with ingratitude. The converſation was ſtopt by the interview with the earl, and Becket took on himſelf to act the part of a mediator, in which he ſucceeded; both parties being inclined to an accommodation. When that buſineſs was over, he renewed his complaints of the king's inſincerity; and the earl interpoſing in his favour, Henry repeated his promiſe of full reſtitution, but ſaid, "that, before he performed it, he would have him "return into England, *that he might ſee how he would behave "himſelf in the affairs of the kingdom.*" This was a new condition annexed to the promiſe, and a very diſagreeable one to Becket: yet he made no reply, nor did he return back with Henry: but not long afterwards he paid him another viſit at Caumont, a town near Blois; where as he did not importune him with any demands, but ſeemed to have come only to make his court, he was received with more kindneſs, and in a familiar diſcourſe Henry ſaid to him eagerly, "*Oh! my lord, why will you not do what I deſire? I then ſhould put every thing into your hands.*" This Becket repeated to one of his correſpondents, and told him, it brought to his remembrance the words of the Devil to our Saviour, "*All this will I give thee, if thou wilt fall down and worſhip me.*" He thought it more proper *that the king ſhould fall down and worſhip him*; to which as that monarch would not yield, it was impoſſible any laſting peace ſhould be made, unleſs by the ruin of the one or the other. About the end of October the archbiſhop returned to Sens, intending

intending to ſee Henry once more at Roüen, upon a day appointed between them, and then go into England. A. D. 1170.

In the mean while the pope, hearing from France that the agreement, concluded in July, was not yet executed on the ſide of the king, wrote to his legates, the archbiſhops of Roüen and Sens, to go within twenty days after the receipt of this letter dated the ninth of October, and admoniſh him *in effect to accompliſh the peace, he had made only in words:* which if, in thirty days from the time of his receiving this admonition, he did not perform, they were ordered to put all his dominions on the continent under an interdict. They were alſo inſtructed to *ſuggeſt* to him, *that he ſhould ſoon afterwards make reſtitution and reparation in full for all damages, and entirely aboliſh his evil and execrable conſtitutions.* But it does not appear that theſe laſt articles were injoined under the ſame penalty, or were more than a bare exhortation. His Holineſs alſo wrote a general mandate to all the biſhops in Henry's dominions on the continent, to obſerve the ſentence which he had commanded the legates to pronounce, and take care of its execution. But before the term was expired when this admotion was to be made to the king (perhaps upon notice having been given him of it) the treaty was executed in its principal parts. The delay had been really no leſs hurtful to Henry than vexatious to Becket: for the former being forced to yield at laſt, the reluctance he had ſhewn made the diſhonor brought upon him more apparent to the world.

V Epiſt. 31 l. v.

V. Epiſt. 32. l. v.

In the mean time the letters, which Becket had aſked of the pope, were granted by his Holineſs, without the miſtakes that had been made in the former, and in ſome particulars ſuch as he had deſired. For, with regard to the biſhops of London and Saliſbury, two different mandates were ſent, which he was to uſe at diſcretion; one, by which they were excommunicated, and another, by which they were only ſuſpended, on account of their having aſſiſted at the young

V. Epiſt. 68, 69. l. v.

A. D. 1170. king's coronation *againſt the pope's prohibition, and in prejudice to the archbiſhop of Canterbury's claim.* Yet in theſe letters that claim is ſo modeſtly ſet forth, that the antiquity of it is carried no higher than the coronations of Stephen and Henry the Second, "*which* (to uſe the words of the pope) *had given* "*to that church a kind of poſſeſſion of the dignity now in queſ-*"*tion.*" Whoever conſiders the temporal conſequences of excommunication in thoſe days, (not to mention the ſpiritual) will be aſtoniſhed to ſee it thus inflicted on biſhops, for no worſe offence than the having acted againſt a claim to a privilege, which had no ſtronger foundation than *a kind of poſſeſſion.* But it muſt have appeared ſtill more wonderful to thoſe prelates who knew that Alexander himſelf had injoined this act to be done, in contempt of that claim, and had declared expreſsly, that the right belonged to another. Even ſuppoſing they had ſeen his ſubſequent order revoking the former, (which in truth they had not) it was an intolerable inſolence to oblige them to follow every change of his mind, on pain of being cut off from the body of the church.

In both theſe letters a power was given to Becket, to take off the ſentence, either of excommunication or ſuſpenſion, if he ſhould think fit. A mandate was alſo ſent to him which ſuſpended the archbiſhop of York; but the power of relaxing that ſentence the pope reſerved to himſelf. Becket had aſked for another, to ſuſpend all the biſhops who had been preſent at the late coronation: but his Holineſs did not think it adviſeable at this time to grant that requeſt; nor would he give him the authority, which he had deſired, to excommunicate Henry, nor decide the diſpute upon the primacy of his ſee againſt that of York. He ſeems to have been driven againſt his will to go ſo far as he did, by the apprehenſion of diſguſting the king of France. Perhaps too he might believe, that the archbiſhop himſelf, in his preſent ſituation, would not be inclined to make the moſt rigorous uſe of his diſcretionary power, with reſpect to the biſhops of London

and

and Saliſbury; as he had, in his laſt letter, expreſſed a juſt ſenſe of the expediency of healing and moderating meaſures, *that he might not offend the king, and diſturb the peace ſo lately made.* But this prudent conſideration gave way in his mind to the violence of reſentment. He was informed, that thoſe prelates had endeavoured, in conjunction with the archbiſhop of York, to perſuade the king, that the reconciliation concluded with him was neither uſeful nor honorable to the kingdom, unleſs the preſentations to benefices which belonged to the ſee of Canterbury, made by that prince upon vacancies, while he was in exile, might remain good; and *unleſs he was compelled to obey the royal cuſtoms, which he had diſputed.* He alſo imputed to *them* a deſign the king had entertained, of filling up the vacant biſhopricks, by calling over ſix clergymen out of each of thoſe dioceſes, to attend him in France, and there, as delegates from their brethren, to elect their biſhops in his preſence, with the advice of the above-mentioned prelates. This was conſidered by Becket as *uncanonical*, and contrived by them with an intention to occaſion a new quarrel between Henry and him, if he ſhould refuſe to conſecrate the biſhops ſo choſen. Theſe provocations ſo incenſed him, that he paid no regard either to what he himſelf had written to the pope, or to the wiſe counſels given to him by two of his friends in the college of cardinals, who, in their letters of congratulation upon the peace he had gained, adviſed him with urgent admonitions, *to exerciſe mercy rather than judgement, towards thoſe who had ſinned againſt him; and to endeavour to inſtruct the king in the ſpirit of lenity, and recover his favour.* Notwithſtanding theſe exhortations, he determined to ſuſpend the archbiſhop of York, and excommunicate the two biſhops of London and Saliſbury. When he took this reſolution, he ſhould, in common prudence, have alſo reſolved to defer his return into England, and not have joined his acceptance of the peace given by the king to him and his friends with theſe diſcordant acts of hoſtility: but, whether he

A. D. 1170.

V. Epiſt. 52. l. v.

V. Epiſt. 53. 64. 73. l. v.

V. Epiſt. 60, 62. l. v.

V. Epiſt. 66. 60. 62. l. v.

A.D. 1170. he ſincerely thought it his duty to go back to his church, or felt a pride in braving his ſovereign within his own kingdom, he continued his purpoſe of quitting his aſylum in France; though at the ſame time he determined to act in a manner that would bring him again into danger. If we may believe one of the monks who has written his life, he ſaid to the king of France, when he took his leave of that monarch, *that he was going into England to play for his head.*

V. Stephen. p. 69.

V. Epiſt. 44. l. v.

The appointment Henry had made to ſee him at Roüen was put off by a letter under the hand of that prince, in which he ſaid, "he was prevented from meeting him there, "by the neceſſity of going into Auvergne, to reſiſt an at- "tempt, which, as he was credibly informed, Louis in- "tended to make upon that province. But he had ſent "John of Oxford to attend him to England, by whom he "ſignified to the king his ſon, *that he would have him enjoy* "*all his poſſeſſions peaceably and honorably: and if, in any* "*particulars relating to him leſs than ought to have been done* "*had been performed, that prince ſhould cauſe it to be amend-* "*ed.*" The promiſe was fair, but attended with circum- ſtances very mortifying to Becket. No money was given him to pay his debts, as he had been made to expect; and, inſtead of the archbiſhop of Roüen, who he hoped would have been charged to conduct him to England, that office was aſſigned to John of Oxford, whom of all Henry's ſervants he moſt deteſted. But, as the king's orders were preſſing, that he ſhould go to his church, and he had re- ſolved to do ſo for other reaſons, he was forced to ſubmit to this affront; and ſet out under the conduct of his worſt enemy, who had preſided in that very parliament which had tried and condemned him for perjury and treaſon, who had procured the firſt ſuſpenſion of his legatine power, who had been excommunicated by him, and abſolved without his conſent; who now ſeemed to accompany him, rather as a guard

V. Fitſtephen in vitâ Becket.

guard over a priſoner, than as an attendant appointed to do him ſervice. Being arrived at the port of Whitſand in Flanders, he ſtayed their ſome days for a favourable wind, and during that time was warned by a private meſſenger from the Earl of Boulogne *to take care of himſelf: for there were perſons waiting for him in thoſe parts of England, where it was thought he would land, with an intention to murder, or at leaſt to arreſt him.* The anſwer he ſent back was, *that he would return to his flock, if he were certain to be torn limb from limb.* He only deſired of his friends, *that they would carry him dead to his church, if he was not permitted to go to it alive.* Other intelligence was alſo conveyed to him, that his enemy Ranulf de Broc, Reginald de Warenne, and Gervaſe de Cornhill, ſheriff of Kent, had publickly threatened, that, if he came into England, *they would cut off his head.* But, upon further enquiry, he was ſatisfied that they meant him no other harm, than the ſearching of his baggage, and taking from him the letters, which they very rightly ſuſpected he had obtained from the pope. To this they were inſtigated by the archbiſhop of York and the biſhops of London and Saliſbury, as Becket aſſerts, in a letter to Alexander. It does not appear that they had any particular warrant to make this ſearch: but there having been for ſome time a general order ſtrictly to examine all churchmen who landed in England, they thought they might be juſtified in treating him with no more reſpect than others, not conſidering his high dignity, and the king's reconciliation with him and the pope.

A. D. 1170.
V. Quadrilogus.
V. Epiſt. 731 l. v.
V. Epiſt. præd.

As he was aware of their purpoſe, he found means, the day before he embarked, to ſend the letters he had with him into England by other hands. That for ſuſpending the archbiſhop of York he gave to a nun, whom he encouraged to undertake the dangerous enterprize of delivering it to that prelate, by ſetting before her the examples of Judith, Eſter, and thoſe women, who when his apoſtles forſook him, followed

V. Epiſt. 70. l. v.
V. Appendix.

A D. 1170. lowed our lord to his croſs and to his ſepulchre. The letter he wrote to her on this ſubject is preſerved, and I have tranſcribed it in the Appendix to this book, that it may be ſeen by what arts he worked upon the ſimplicity of a credulous woman, to make her expoſe herſelf to the penalties of the law, in order to gratify his revenge in a matter which evidently had nothing to do with religion. Theſe are the words with which he concludes his paſtoral exhortations: "A great "reward, my daughter, is propoſed to your labour, *the re-* "*miſſion of your ſins*, the unfading fruit, and crown of glory, "which the *bleſſed ſinners* Mary Magdalene, and Mary the "Ægyptian, at laſt received from our Lord Jeſus Chriſt; the "ſtains of all their former lives being wiped out. *The miſtreſs* "*of mercy* will aſſiſt you, and aſk her ſon, God and Man, "whom ſhe brought forth for the ſalvation of the world, to "be the leader, companion, and protector of your journey. "And may he, who breaking the gates of Hell, cruſhed the "power of the Devils, and reſtrained their licentiouſneſs, hold "the hands of the wicked, that they may not be able to do "you any hurt. Farewell, *ſpouſe of Chriſt*, and think that "he is always preſent with you." This powerful rhetorick had the deſired effect. The nun, who (as we may judge by the turn of this letter) had not always been chaſte, reſolved to gain *the remiſſion of her ſins*, at any riſque, and delivered the letter as ſhe was directed to do. What other inſtruments were employed we are not told; but the biſhops of London and Saliſbury received the pope's mandate, which excommunicated them, about the ſame time as this was given to the archbiſhop of York.

After Becket had thus diſpoſed of theſe dangerous papers, he ventured to face the king's officers, and on the firſt of December paſſed the channel. As ſoon as the ſhip arrived in Sandwich harbour, the ſheriff of Kent, with Reginald de Warenne and Ranulf de Broc, came armed, and accompanied by

by a band of ſoldiers, to the ſhoar: but John of Oxford immediately advancing to meet them, and with much anger commanding them, in the name of the king, to do no manner of injury to the archbiſhop or any of his followers, *becauſe it would highly diſhonor the king, after the peace he had made*, they did not ſo much as attempt to make any ſearch. But there being a foreigner, the archdeacon of Sens, in Becket's train, they demanded of him an oath of allegiance to King Henry and his ſon, (I ſuppoſe during the time he ſhould ſtay in the country) but Becket forbad him to take it, not becauſe it was required without warrant of law, but becauſe (as he told the pope) *there was not in the oath any exception expreſt in favour of the papal authority or any other*; and he was afraid, if one of his houſhold ſhould conſent to ſuch an engagement, that by the authority of the precedent the clergy of the kingdom might be alſo compelled to it, *which would greatly tend to the prejudice and diminution of the apoſtolick ſee.* In ſhort, he wanted the reſervation of *ſalvo ordine ſuo*, or *ſalvâ libertate eccleſiæ*, to be in every oath that was taken by clergymen. He ſays himſelf, in his letter to Alexander, that the king's officers were obliged to yield the point, becauſe they were too few to force him, having the people on his ſide, who were rejoiced at his return. Being thus diſmiſt, he went to Canterbury, and on the road thither was met by all the poor of the country, who in great multitudes attended him into that city, ſpreading their cloathes in his way, and ſinging, *Bleſſed is he, who cometh in the name of the Lord.* His vanity was much pleaſed, and it ſeems that his piety was not at all offended, with this application of Scripture, which ſo blaſphemouſly equalled him to the Meſſiah. The pariſh prieſts alſo came in ſolemn proceſſion to meet him, with their croſſes in their hands; and the pageantry was cloſed by the monks of Canterbury, who received him into their convent, with ringing of bells, with the muſick of organs, and with hymns of praiſe to God. That he might not fail of this

A. D. 1170.

V. Epiſt. 73. l. v.

V. Vitâ Becket præfix. Epiſt. Benedictus Abbas, Hoveden.

A. D. 1170. triumph, his ſecretary John of Saliſbury had written from France, a month before, to give them notice of the time of his intended return, and exhort them *to meet him with all due honors, as their predeceſſors had met Saint Anſelm, when he came back from baniſhment.* He was ſo elated with theſe extravagant and impious adulations, that he could not help boaſting of them in his letter to the pope. *I was received,* ſays he, *with great devotion by the clergy and people.* But in ſo expreſſing himſelf he made a miſtake which often proves of pernicious conſequence, he miſtook *the mob* for *the people.* Hence he fondly preſumed upon a ſtrength he had not, and nouriſhed that inſolence which brought on his deſtruction.

V. Epiſt. 63. l. v.

While theſe impreſſions of vain glory were warm in his mind, there came to him meſſengers from the archbiſhop of York and the two others biſhops, who had received the letters he had procured from Alexander againſt them, notifying to him the appeal they had made to his Holineſs from the ſentence there paſt upon them. At the ſame time alſo came officers from the young king, who in the name of that prince commanded him to abſolve the above-mentioned prelates, *becauſe what was done againſt them was an injury to the king, and tended to the ſubverſion of the laws of the kingdom*; promiſing, in caſe he obeyed this order, that the two biſhops ſhould come to him after they had received abſolution, and willingly ſubmit to the canons of the church, *ſaving the honor of the kingdom.* To which he replied, "It was not in the power of "an inferior judge to releaſe from the ſentence of a ſuperior, "and that no man could abrogate what the apoſtolick ſee "had decreed." But by the pope's letters themſelves it manifeſtly appeared, that it was in his power to releaſe the two biſhops of London and Saliſbury, though not the archbiſhop of York, whom his Holineſs ſingly reſerved to his own judgment. The king's officers inſiſting that he ſhould perform it, and adding very high menaces of what would be done

V. Epiſt. 64. l. v.

V. Epiſt. 73. ibid.

V. Epiſt 68, 69. l. v.

done to him, if he obſtinately perſiſted in diſobedience, he ſaid at laſt, that if the biſhops of London and Saliſbury would take an oath before him, according to the uſual form of the church, to obey the pope's injunctions in this affair, he would, for the peace of the church, and out of reverence to the king, with his advice, and with the advice of the biſhop of Wincheſter and others of his brethren, venture to abſolve them at his own peril. Which being reported to them, the archbiſhop of York objected, that ſuch an oath ought not to be taken without leave of the king, by biſhops eſpecially, becauſe it was againſt the dignity and the laws of the realm. To this Becket replied, that the ſame biſhops had been before excommunicated by him, and were not then abſolved without having taken an oath to the ſame effect: much leſs could they without it be delivered from a ſentence impoſed by the pope, *to which neither his, nor any other human authority, could be compared.* Hereupon they determined to take the oath he required: but the archbiſhop of York very earneſtly diſſuaded them from it, counſelling them rather to go to Henry in France, and ſend meſſengers to his ſon, in order to ſhew him, that Becket, by theſe violent proceedings, was endeavouring *to tear the crown from his head.* Of which that prelate complained to Alexander, ſaying, "he called God to witneſs, that, inſtead of deſiring to take this kingdom from the young man, he wiſhed him more and greater, *if he would be ſerviceable to the church.*" But (omitting any obſervations upon the nature and latitude of *this condition)* it is certain the acts done by him had an appearance which might reaſonably alarm that prince. The two biſhops, convinced by the archbiſhop of York, reſolved to go immediately over to Henry, and diſpatch the archdeacon of Canterbury to his ſon. A few days afterwards Becket ſent a meſſage to the latter excuſing what he had done; but audience was denied to his meſſenger. He then reſolved to go himſelf to the palace of Woodſtock, where the young king reſided, deſigning to make him a preſent

A. D. 1170.

V. Epiſt. 64. 75. l. v.

V. Quadrilogus.

A.D. 1170. ſent of three fine horſes. In his way, he paſſed through London, attended by ſome knights who held of the ſee of Canterbury, and a great train of other followers. His father and moſt of his family having been citizens, he was particularly popular there; ſo that he made his entrance into the capital with a vaſt mob at his heels, among whom were ſome citizens of a better condition than the reſt, who were afterwards queſtioned for it; but the proſecution was let drop. He had deſigned in like manner, to go through his whole province, and to exerciſe therein with the utmoſt ſeverity both his metropolitan and legatine powers. But early the next morning an order was ſent from Woodſtock to ſtop his progreſs, and forbid him to enter any of the king's cities or caſtles; commanding that he ſhould retire, with all who belonged to him, within the verge of his church. Which order he declared, *he would not have obeyed*, thinking it his duty to viſit every part of his province, if the feaſt of our Saviour's birth had not been ſo near, upon which ſolemn occaſion he intended to officiate himſelf in his church. Having made this haughty anſwer, he went back to Canterbury, where he was viſited by few perſons of rank or conſideration, and every thing ſeemed to threaten him with very ill conſequences from the imprudence of his conduct. But amidſt the fears of all his friends he alone was undaunted, either from confidence in the protection of the pope and his order, or from his natural intrepidity, or perhaps from the heat of an enthuſiaſtical ſpirit, which deſired to ſuffer martyrdom in what was accounted, by the zealots of thoſe times, the cauſe of God. On Chriſtmas Day he preached in the church of Canterbury, and at the end of his ſermon told the congregation, that *his diſſolution was near, and he ſhould quickly depart from them.* At this many of them wept; when ſuddenly changing his looks and voice he vehemently inveighed againſt the vices of the age, and thundered out an anathema in general terms againſt almoſt all King Henry's court. Then lighting the candles he

V. Stephan. p. 77.

V. Quadril.

V. Epiſt. 64. l. v.

V. Quadril. Hoveden.

V. Quadril.

by

by name excommunicated Ranulf de Broc, and Robert his brother, the latter of whom had been guilty of no other offence, than the having cut off the tail of one of his ſumpter horſes the day before. But to his pride there could not be a more unpardonable ſin than ſuch an affront. A. D. 1170.

While he was thus preparing himſelf for that martyrdom which he ſaid he expected, the archbiſhop of York and the biſhops of London and Saliſbury had gone over to Normandy, and at the feet of the king implored his juſtice and clemency, for themſelves, for his whole clergy, and for his kingdom. When he had heard their complaints he was extremely incenſed, and ſaid, that, *if all who conſented to his ſon's coronation were to be excommunicated; by the eyes of God, he himſelf ſhould not be excepted.* The archbiſhop however entreated him to proceed with diſcretion and temper in this buſineſs. But not being able to maſter the violence of his paſſion, he broke out into furious expreſſions of anger, ſaying, "that a man whom he had raiſed from the duſt trampled upon the whole kingdom, diſhonored the whole royal family, had driven him and his children from the throne, and triumphed there unreſiſted; and, *that he was very unfortunate to have maintained ſo many cowardly and ungrateful men in his court, none of whom would revenge him of the injuries he ſuſtained from one turbulent prieſt.*" Having thus vented his rage, he thought no more of what he had ſaid; but, unhappily for him, his words were taken notice of, by ſome of thoſe peſts of a court, who are ready to catch at every occaſion of ſerving the paſſions of a prince to the prejudice of his honor and intereſt. Four gentlemen of his bedchamber, knights and barons of the kingdom, Reginald Fitzurſe, William de Tracey, Hugh de Moreville, and Richard Brito, making no difference between a ſally of anger, and a ſettled intention to command a wicked action, thought they ſhould much oblige the king by murdering Becket. Nevertheleſs it appears, that they rather deſired to induce that prelate, by threats and pretended orders

V. Quadril. Edw. Grime, e Cod. Manuſcript. penes R. S. Londini.

V. Gervaſe, Quadrilogus.

V. Edw. Grime, Quadrilogus.

A. D. 1170. from the king, to take off the cenſures which he had laid on the biſhops; or, in caſe of his refuſal, to carry him forcibly out of the kingdom: but if, from his reſiſtance, they could not ſucceed in either of theſe purpoſes, they reſolved, and even bound themſelves by an execrable oath, to put him to death. Thus determined they paſſed haſtily over to England, without the king's knowledge, and went to a caſtle belonging to Ranulf de Broc, about ſix miles from Canterbury, where they ſtaid all the night, in conſultation with him and Robert his brother, by what methods they ſhould execute their flagitious undertaking. Ranulf had under his orders a band of ſoldiers, who had been employed for ſome time in guarding the coaſt. They agreed to take along with them a number of theſe, ſufficient to hinder the citizens of Canterbury, or any of the knights of Becket's houſhold, from attempting to aid him; and on the following day, being the twenty-ninth of December in the year eleven hundred and ſeventy, they came to Canterbury, concealing their arms as much as was poſſible, and dividing their followers into many ſmall parties, that they might give no alarm. Preſently afterwards the four knights entered the palace unarmed, and a meſſage being ſent by them to acquaint the archbiſhop, that they were come to ſpeak with him on the part of the king their maſter, he admitted them into his chamber, where they found him in converſation with ſome of his clergy. They ſat down before him without returning his ſalutation; and, after a long ſilence, Reginald Fitzurſe ſaid to him, "We bring you orders from the king. "Will you hear them in publick, or in private?" Becket anſwered, "that ſhould be as pleaſed them beſt." Fitzurſe then deſiring him to diſmiſs all his company, he bid them leave the room; but the porter kept the door open; and after the above-mentioned gentleman had delivered a part of what he called the king's orders, Becket, fearing ſome violence from the rough manner in which he ſpoke, called in again all the clergy who were in the antichamber, and told the four

V. Epiſt. 70. l. v. V. Edw. Grime, Quadril. Hoveden. Gervaſe.

four knights, that whatever they had to inform him of might be ſaid in their preſence. Whereupon Fitzurſe commanded him in the name of the king to releaſe the excommunicated and ſuſpended biſhops. He ſaid, the pope, not he, had paſt that ſentence upon them, nor was it in his power to take it off. They replied, it was inflicted by his procurement. To which he boldly made anſwer, that if the pope had been pleaſed thus to revenge the injury done to the church, he confeſt, *it did not diſpleaſe him.* Theſe words gave occaſion to very bitter reproaches from the rage of Fitzurſe. He charged the archbiſhop with having violated the reconciliation ſo lately concluded, and having formed a deſign *to tear the crown from the head of the young king.* Becket made anſwer, that *ſaving the honor of God, and his own ſoul,* he earneſtly deſired to place many more crowns upon the head of that prince, inſtead of taking this off, and loved him more tenderly than any other man could, except his royal father. A.D. 1170.

A vehement diſpute then aroſe between Fitzurſe and him, about ſome words which he affirmed the king to have ſpoken, on the day when his peace was made, permitting him to obtain what reparation or juſtice he could from the pope, againſt thoſe biſhops who had invaded the rights of his ſee, and even promiſing to aſſiſt him therein; for the truth of which he appealed to Fitzurſe himſelf, as having been preſent. But that gentleman conſtantly denied that he had heard it, or any thing like it, and urged the great improbability that the king ſhould have conſented to give up his friends to Becket's revenge for what they did by his orders. And certainly, if it was true, one cannot but wonder, that the archbiſhop ſhould not have mentioned it in any one of his letters, and particularly in the account which he wrote to the pope of all that paſſed on that day! The words he repeated there, as ſpoken by Henry, even admitting that they were given without any exaggeration, would not authoriſe the conſtruction

V. Epiſt. 45, l. v. V. Appendix.

A D. 1170. ſtruction he now put upon them. But that he himſelf did not believe he had ſuch a commiſſion appears from the apprehenſions he expreſt to his Holineſs, in a ſubſequent letter, of the offence that he ſhould give to the king by theſe acts, and from the extraordinary care he took to conceal his intention till after he had performed it.

V. Epiſt. 52. l. v.

Vid. authores citatos ut ſupra.

Their converſation concerning this matter being ended, the four knights declared to him, it was the king's command, that he and all who belonged to him ſhould depart out of the kingdom: for that neither he nor his ſhould any longer enjoy the peace he had broken. He replied, that he would never again put the ſea between him and his church: adding, that it would not have been for the honor of the king to have ſent ſuch an order. They ſaid, they would prove that they had brought it from the king, and urged, as a reaſon for it, Becket's having opprobriouſly caſt out of the church, at the inſtigation of his own furious paſſions, the miniſters and domeſtick ſervants of the king; whereas he ought to have left their examination and puniſhment to the royal juſtice. He anſwered with warmth, that if any man whatſoever preſumed to infringe the laws of the holy Roman ſee, or the rights of the church of Chriſt, and did not voluntarily make ſatisfaction, he would not ſpare ſuch an offender, nor delay any longer to pronounce eccleſiaſtical cenſures againſt him. They immediately roſe up, and going nearer to him ſaid, "*We give you notice that you have ſpoken to the peril of your head.*" His anſwer was, "*Are you come to kill me? I have committed my cauſe to the ſupreme judge of all, and am therefore unmoved at your threats. Nor are your ſwords more ready to ſtrike than my mind is to ſuffer martyrdom.*" At theſe words one of them turned to the eccleſiaſticks there preſent, and in the name of the king commanded them to ſecure the perſon of Becket; declaring, they ſhould anſwer for him, if he eſcaped. Which being heard by him, he aſked the knights, "Why any of them

V. Edw. Grime, Gervaſe, Quadrilogus.

"them ſhould imagine he intended to fly? *Neither for fear* A.D. 1170.
"*of the king, nor of any man living, will I* (ſaid he) *be driven to*
"*flight. I came not hither to fly, but to ſtand the malice of the*
"*impious, and the rage of aſſaſſins.*" Upon this they went
out, and commanded the knights of his houſehold, at the V. Epiſt. 70. l. v. e Cod. Vaticano.
peril of their lives, to go with them, and wait the event
in ſilence and tranquillity. Proclamation was likewiſe made
to the ſame effect in the city. After their departure John
of Saliſbury reproved the primate for having ſpoken to them
ſo ſharply, and told him, he would have done better, if
he had taken counſel of his friends what anſwer to make. Vit. S. T. præfix. Epiſt.
But he replied, "There is no want of more counſel. What
"I ought to do I well know." Intelligence being brought
to him that the four knights were arming, he ſaid with
an air of unconcern, "What matters it? let them arm."
Nevertheleſs ſome of his ſervants ſhut and barred the ab-
bey-gate: after which, the monks who were with him,
alarmed at his danger, led him into the church, where the
evening ſervice was performing, by a private way through
the cloyſters.

The knights were now come before the gate of the abbey,
and would have broken it open with inſtruments they had
brought for that purpoſe: but Robert de Broc, to whom
the houſe was better known, ſhewed them a paſſage through
a window, by which they got in, and, not finding Becket in
any chamber of the palace, followed him to the cathedral. V. Quadrilog: Edw. Grime.
When the monks within ſaw them coming, they haſtened to
lock the door; but the archbiſhop forbad them to do it, ſay-
ing, "*You ought not to make a caſtle of the church. It will*
"*protect us ſufficiently without being ſhut: nor did I come hither*
"*to reſiſt, but to ſuffer.*" Which they not regarding, he
himſelf opened the door, called in ſome of the monks, who
ſtood without, and then went up to the high altar.

The knights, finding no obſtacle, ruſhed into the choir, and,
brandiſhing their weapons exclaimed, "Where is Thomas

A. D. 1170. "Becket? where is that traitor to the king and kingdom?" at which he making no anſwer, they called out more loudly, "Where is the archbiſhop?" He then turned, and coming down the ſteps of the altar, ſaid, "Here am I, no traitor, "but a prieſt. What would you have with me? *I am ready* "*to ſuffer in the name of him who redeemed me with his blood.* "*God forbid that I ſhould fly for fear of your ſwords, or recede* "*from juſtice.*" They once more commanded him to take off the excommunication and ſuſpenſion of the biſhops. He replied, "No ſatisfaction has yet been made; nor will I ab-

V. Edw. Grime. "ſolve them. Then (ſaid they) thou ſhalt inſtantly die, ac- "cording to thy deſert." "*I am ready to die* (anſwered he) "*that the church may obtain liberty and peace in my blood.* "*But, in the name of God, I forbid you to hurt any of my people.*" They now ruſhed upon him, and endeavoured to drag him out of the church, with an intention (as they afterwards de-

V. Heribertus in Quadrilogo, Edw. Grime. clared themſelves) to carry him in bonds to the king; or, if they could not do that, to kill him in a leſs ſacred place. But he clinging faſt to one of the pillars of the choir, they could not force him from thence. During the ſtruggle he ſhook William de Tracey ſo roughly, that he almoſt threw him down; and as Reginald Fitzurſe preſt harder upon him than any of the others, he thruſt him away, and called him *pimp*. This opprobrious language more enraged that violent man; he lifted up his ſword againſt the head of Becket, who then bowing his neck, and joining his hands together, in a poſture of prayer, recommended his own ſoul, and the cauſe of the church, to God, and to the ſaints of that cathedral. But

V. Edw. Grime, ut ſupra. one of the monks of Canterbury interpoſing his arm to ward off the blow, it was almoſt cut off; and the archbiſhop alſo was wounded in the crown of his head. He ſtood a ſecond ſtroke, which likewiſe fell on his head, in the ſame devout poſture, without a motion, word, or groan: but, after receiving a third, he fell proſtrate on his face; and all the accomplices preſſing now to a ſhare in the murder, a piece of

his ſkull was ſtruck off by Richard Brito. Laſtly, Hugh the ſubdeacon who had joined himſelf to them at Canterbury, ſcooped out the brains of the dead archbiſhop with the point of a ſword, and ſcattered them over the pavement. A. D. 1170.

Thus in the fifty-third year of his age, was aſſaſſinated Thomas Becket; a man of great talents, of elevated thoughts, and of invincible courage; but of a moſt violent and turbulent ſpirit; exceſſively paſſionate, haughty, and vain-glorious; in his reſolutions inflexible, in his reſentments implacable. It cannot be denied that he was guilty of a wilful and premeditated perjury: that he oppoſed the neceſſary courſe of publick juſtice, and acted in defiance of the laws of his country; laws which he had moſt ſolemnly acknowledged and confirmed: nor is it leſs evident, that during the heat of this diſpute, he was in the higheſt degree ungrateful to a very kind maſter, whoſe confidence in him had been boundleſs, and who from a private condition had advanced him to be the ſecond man in his kingdom. On what motives he acted can be certainly judged of by Him alone, *to whom all hearts are open.* He might be miſled by the prejudices of a bigotted age, and think he was doing an acceptable ſervice to God, in contending, even to death, for the utmoſt exceſs of eccleſiaſtical and papal authority. Yet the ſtrength of his underſtanding, his converſation in courts and camps, among perſons whoſe notions were more free and enlarged, the different colour of his former life, and the ſuddenneſs of the change which ſeemed to be wrought in him upon his election to Canterbury, would make one ſuſpect, as many did in the times wherein he lived, that he only became the champion of the church from an ambitious deſire of ſharing its power; a power more independant on the favour of the king, and therefore more agreeable to the haughtineſs of his mind, than that which he had enjoyed as a miniſter of the crown. And this ſuſpicion is encreaſed by the marks of cunning and falſeneſs,

A. D. 1170. falſeneſs, which are evidently ſeen in his conduct on ſome occaſions. Neither is it impoſſible, that, when firſt he aſſumed his new character, he might act the part of a zealot, merely or principally from motives of arrogance and ambition; yet, afterwards, being engaged, and inflamed by the conteſt, work himſelf up into a real enthuſiaſm. The continual praiſes of thoſe with whom he acted, the honours done him in his exile by all the clergy of France, and the vanity which appears ſo predominant in his mind, may have conduced to operate ſuch a change. He certainly ſhewed in the latter part of his life a ſpirit as fervent as the warmeſt enthuſiaſt's; ſuch a ſpirit indeed as conſtitutes *heroiſm*, when it exerts itſelf in a cauſe beneficial to mankind. Had he defended the eſtabliſhed laws of his country, and the fundamental rules of civil juſtice, with as much zeal and intrepidity as he oppoſed them, he would have deſerved to be ranked with thoſe great men, whoſe virtues make one eaſily forget the allay of ſome natural imperfections: but, unhappily, his good qualities were ſo miſapplied, that they became no leſs hurtful to the public weal of the kingdom, than the worſt of his vices.

End of the THIRD BOOK *of the Hiſtory of the Life of King* HENRY *the Second.*

INDEX

TO THE

SECOND VOLUME.

A:

AGRICULTURE, canon of a ſynod in K. Stephen's time in favour of it, page 252.

Aids, which, according to Glanville, the lord could demand of his vaſſals, of three kinds, 196. one of them aboliſhed by Magna Charta, *ibid.* one more not mentioned by Glanville, but which naturally aroſe from the feudal principles, *ibid.* more particulars concerning aids, 299—302.

Albemarle, earl of, compelled by Henry to reſign what he occupied of the royal demeſne, 10.

Albigenſes, ſome of them, being come over to England, are cenſured by a ſynod held at Oxford, 419.

Alexander and Victor, rival popes, of whom, though the latter was ſupported by the emperor and the northern potentates, the former, chiefly through the favour and aſſiſtance of K. Henry, prevails at laſt, 107—130. Henry's policy wrong in not ſupporting Victor, 363, 364. Alexander denies two requeſts made by Henry, and grants a third, but in ſuch a manner as to render it ineffectual, 362—365. encouraged by Louis le Jeune, he protects Becket, notwithſtanding Henry's remonſtrance, 390. gives audience to the Engliſh ambaſſadors concerning Becket, 391. refuſes to ſend legates to England to try him, 394. lets him plead his cauſe before him in perſon, 396. reſolves to ſupport him, 400. at Matilda's requeſt, procures an interview between the two kings, Henry and Louis, 404. A conference propoſed between him and Henry, but broken off, on a diſpute whether Becket ſhould be preſent. He goes from France to Rome, 405. gives Becket power to proceed againſt his adverſaries, 433. promiſes Henry to ſend legates to determine Becket's cauſe, 439. but limits their commiſſion on the road, 447. his diſcreet advice to Becket, 476. he ſuſpends Becket's authority in England, till he had recovered the royal favour, *ibid.* Reaſons of his yielding ſo far at that time, 477, 478. he apologizes for it to Becket and Louis, yet perſiſts in his meaſures, 479, 480. being provoked by ſome expreſſions of Henry, he ſends him a threatning letter, 505. refuſes to tranſlate Becket to another ſee, 511. ſends nuncios to Henry in Normandy, 516. conſents that the archbiſhop of York ſhould crown the young prince, 540. His double dealing in that matter, 541. remarkable words in the mandate, 545. he commiſſions the archbiſhop of Rouen and the biſhop of Nevers to conclude an agreement between Henry and Becket, 542—544. threatens Henry and his dominions with excommunication and interdict, if he did not make peace,

557. after that was made, he enforces the execution of it by new mandates, 579, 580.
Alfred, king, increaſes the maritime force of England, 165. a northern trade, one of the objects of his attention; he employs navigators to deſcribe the coaſts, inhabitants and fiſheries of the north, 175, 176. laws of his, concerning ſlaves, 257. author of the police of frank-pledge, 259. a patron of learning, 322.
Almoner, the pope's, prevails with Becket to make ſome conceſſions, 353.
Anſelm, his being canonized is propoſed at the council of Rheims, 344. his conduct and Becket's compared, 435.
Apparel, the mode of it in England before and after the Conqueſt, 335, 336.
Appeals to Rome, 340, 374. ſee *Becket*, *Henry*.
Aquitaine, an inſurrection there cruſhed in its firſt beginning by Henry, 484. his preſence there required again upon a like occaſion, 515.
Arundel, earl of, his ſoothing ſpeech to the pope, as ambaſſador in Becket's affair, 393. meeting with a denial, he alters his tone, 395. conducts the young princeſs of England to the duke of Saxony her huſband, 496.
Auvergne, being a fief of Aquitaine, and the earl thereof having appealed to Henry, he leads an army thither, and does him juſtice, 448.

B.

Baronies, rule of ſucceſſion in them and in earldoms, 209. Barons, how originally created, 211. ſervices required of them, 212. had more or fewer knight's-fees under them, *ibid.* ſee *Nobility*, *Tenure*.
Barre, Richard, envoy from Henry to the pope, 539.
Baſſet, Richard, and Aubrey de Vere, joint ſheriffs of eleven counties, 222.
Battle-abbey, in imitation of the charter granted to that monaſtery by William the Conqueror, others, eſpecially the more ancient, endeavoured to free themſelves from the epiſcopal juriſdicton, 330.
Beauchamp, William de, ſheriff of Worceſterſhire, and three other counties, 222.
Becket, Thomas, raiſed to the office of the king's chancellor, 19. Account of his birth, education, and firſt negotiations, 19—22. He was the firſt Engliſhman raiſed to any high office in church or ſtate, ſince the reign of W. the Conqueror, and why, 22. a conſtant companion of the King, 30. his perſonal accompliſhments, *ibid.* he manages the marriage-treaty between the young prince and the king of France's daughter, 83. the ſplendid appearance he made on that occaſion, 84. he adviſes Henry to beſiege Toulouſe, in hopes of his taking the king of France priſoner, 95, 96. his ſervices and exploits in the war, 100, 101. Henry's reaſons for promoting him to the archbiſhoprick of Canterbury, and his own conduct relative to that affair, 133—139. The education of the young prince is entruſted to him, 137. he is elected archbiſhop, 140. great change in his manner of life thereupon, 342, 343. ſends back the great ſeal to Henry, then in Normandy, *ibid.* is coolly received by him at his coming to England, and required to give up alſo his archdeaconry, 344. goes to the council of Rheims, where extraordinary honors are paid him by the pope, 344—346. ſpirit of that meeting, *ibid.* at his return, he ſets up claims to ſeveral lands poſſeſſed by barons, and by the King himſelf, as having been alienated from the church, 346. excommunicates one of the King's tenants without acquainting him with it, 347. refuſes to yield up criminal eccleſiaſticks to the ſecular judicature, 348. oppoſes the reformation intended by Henry; proceedings thereupon. The king takes from him the government of his ſon and the cuſtody of his caſtles, 349, 350, 351. Intelligence given to him (Becket) by the biſhop of Liſieux, 351, 352. He continues his oppoſition to the king's demand, but at laſt gives it up at the perſuaſion of the pope's almoner,

almoner, 353. Promiſes to obſerve the cuſtoms of the kingdom without any reſerve, 354. Proceedings at Clarendon and his behaviour there, 354—357. obſervations thereupon, *ibid.* to p. 359. He ſecretly obtains abſolution from the pope for what he had done, 364. having failed in an attempt to go out of the land, he openly oppoſes the laws enacted at Clarendon, 365—367. refuſes to appear in the King's court, whither he was cited by John the King's mareſchal, 367. Proceedings againſt him at Northampton, and his behaviour there, 368—378. he flies from thence. Particulars of his flight till his landing near Gravelines, 378, 379. Obſervations on the proceedings againſt him at Northampton, 379—382. Account of what happened to him in travelling from the place where he landed to the abbey of St. Bertin, 384—386. He has an interview with Richard de Lucy, at St. Omers, 388. goes from thence into France, 389. arrives at Soiſſons, and receives a viſit from Lotis, 395. goes to Pope Alexander at Sens, 396. pleads his cauſe before him, and complains of the conſtitutions of Clarendon, 396, *&c.* offers to reſign his ſee to the pope. His reſignation is not accepted, he retires to the abbey of Pontigni, 398—401. writes letters of admonition and commination to the King, 424, 425. ſuſpends the biſhop of Saliſbury, 426. watches three nights in a church at Soiſſons before the ſhrines of ſaints and the Virgin Mary, to prepare for his ſpiritual combat, 433, 434. having excommunicated ſeveral principal perſons, and intending to excommunicate the King, the Engliſh biſhops and clergy appeal againſt him to the pope, 436. hearing that the King had obtained legates from the pope, in oppoſition to his legatine power, he prevails with the latter to make the grant of little effect, 446. he embaraſſes their negotiation, 464. refuſes to meet them on the borders of Henry's foreign territories, though promiſed a ſafe-conduct, 467. his report of this affair to the pope, and complaints againſt the King, 469—473. is much diſtreſſed by being called upon again to make up his pecuniary accounts with Henry, and writes to the pope, 474—476. ſubmits himſelf to his ſovereign at the inſtance of the King of France, but with certain clauſes, 501—504. threatens to proceed to extremities with Henry, as ſoon as the reſtraint laid upon him by the pope ſhould be expired, 513, 514. his petition ſent to the King at St. Denys, and the King's anſwer, 522—524. a ſecond petition, and the anſwer, 524. he ſtands out with the King about the formality of the kiſs of peace, 526. exclaims againſt the pope's conceſſions to his prejudice, 544, 545. beſtirs himſelf, too late, to prevent the prince's coronation by the archbiſhop of York, and his chagrin on that account, 552—556. inſiſts ſtill with the legates on the King's kiſs, 559. and with difficulty conſents to come to the conference, 563. his narrative, in a letter to the pope, of the circumſtances of the reconciliation, 563—571. his behaviour afterwards, 569—573. 575—579. while accepting peace, he carries reſentments with him to England, 580, 581. is particularly mortified by the king's appointing John of Oxford to conduct him thither, 582. receives intelligence of threats againſt his life, 583. ſee alſo 575. his landing at Sandwich, and triumphant reception at Canterbury, 584—586. refuſes to take off the excommunication laid on ſeveral biſhops, 586—588. his ſermon and other acts on Chriſtmas-day, 588, 589. his converſation with the four knights, 590—593. his behaviour under the aſſault in the cathedral church, where he is aſ-

saſſinated, 593, 594. His character, 595, 596.
Blois, William de, dying, Henry procures a match between his daughter and the ſon of the earl of Flanders, and thus ſerves both houſes, 105.
Blois, the earl of, mediates with Louis in behalf of Henry, 551. ſome diſputes between Henry and him adjuſted, 578.
Blois, Peter of, an author in Henry's time, commended, 325.
Boc-land, what? 189.
Bohun, Humphrey de, conſtable of England in right of his wife, daughter of Milo, earl of Hereford, 224.
Boulogne, the earl of, takes up arms againſt Henry on account of the earldom of Mortagne, but is pacified by an annual penſion, 458—460.
Bretagne, the ſucceſſion to that dutchy becoming diſputable upon the death of Conan le Gros, a train of circumſtances gives Henry at laſt the right of deciding it, 79—86. Through the marriage of his third ſon Geoffry to the then duke's daughter, he obtains the government of it to himſelf, 423. ſuppreſſes an inſurrection there, 449. his ſon is eſtabliſhed in that dutchy, 515.
Briſtol, its great commerce taken notice of by W. of Malmſbury, 177.
Brito, Richard, 589.
Broc, Ranulph de, threatens Becket, 575. attempts to ſearch his papers at his landing, 584. the four knights conſult with him, 590.

C.

Cambridge, ſtate of it in thoſe times, 327, 328.
Canon-law, a digeſt of it publiſhed by Gratian, a Benedictine monk, at Bologne: account of that work, 261. See alſo 208, 209.
Canutus, monk of Canterbury, abridged Pliny, 324.
Caſtle-guard, a ſpecies of knight's-ſervice, 184.
Ceorls, 254.
Champagne, earl of, his ſcheme to promote the election of Victor to the papacy, 121.
Chancellor of England, the nature of his office in Henry II's time, 24.
Chandos, Sir John, made knight banneret by the Black Prince, 247.
Charters, granted to towns, the import of, and motives to them, 317.
Chaumont, a caſtle and magazine of Louis in the French Vexin, burnt by Henry, 449.
Cheſter, an earldom palatine, 218.
Cheſter, earl of, excommunicated by Becket's order, 532.
Chicheſter, biſhop of, reprimanded by Henry, for pleading the papal againſt the royal authority, 135, 136. is the only prelate who agrees to obſerve the ancient cuſtoms and laws of the realm, without the ſaving clauſe propoſed by Becket, 351. endeavours to perſuade Becket to ſubmit, 353. in the name of the clergy renounces him, and cites him to appear before the pope, 375. ſpeaks before the pope, as the King's ambaſſador, 392.
Cinque-ports, ſee *Ships*.
Ciſtertian monks, how numerous, 329.
Cities and boroughs, ſtate of them in thoſe days, 313—319.
Civil law, account of it in that age, and particularly how far it prevailed in England, 260—263.
Clarendon, a parliament called to meet there, to fix the rights of the crown and cuſtoms of the realm, 354. which the laity immediately ſwore to, *ibid.* and the clergy at laſt complied alſo, 356. ſixteen of theſe conſtitutions related to eccleſiaſtical matters, 358. ten of which are ſpecified, 358—361. alſo the other ſix, 397. how treated by pope Alexander, 398. ſee alſo 199, 200.
Cologne, archbiſhop of, comes to England as ambaſſador from the emperor, 414. Henry's letter to him after

after his departure, 415. he comes again as ambaſſador in the ſame affair, 496.
Common-law, account of it from the times of the firſt Saxon kings to thoſe of Henry II. 269—273.
Conan le Petit, becomes duke of Bretagne by means of Henry, 86. is relieved by that prince from a rebellion raiſed againſt him, but goes into retirement, and cedes the dutchy to Henry, whoſe third ſon had been eſpouſed to his daughter, 422.
Conſtable of England, his authority and juriſdiction, 223.
Cornage, what? 185.
Cornwall, Reginald earl of, raiſes an army againſt Rhees ap Gryffyth, 142.
Counties, each an earldom, 217. how far the earl remained governor of the county after the Conqueſt, 216. each county divided into hundreds and tythings, 259. each of theſe how made aſſiſtant to the execution of juſtice, *ibid.*
Counties, the three northern of England, reclaimed from the King of Scotland, 34. ſee alſo 493, 494.
Crown-lands, alienated by Stephen and Matilda, but reſumed by Henry II. 9.
Cummins, John, ambaſſador from Henry to the emperor, 390. ſent to Alexander with Radulf de Tamworth and John of Oxford. He and Radulf de Tamworth procure for Henry all the letters, which Becket had written to the pope againſt him, or which other perſons had written in favour of Becket, 442.

D.

Danegeld, meant at firſt money given to the Danes, afterwards money to build ſhips to reſiſt them, 166—170.
Decretum, ſee *Gratian*.
Demeſne, ancient, of the crown. See *Royal revenue*.
Dinan, an inſurrection there quelled by Henry, 487.
Dombec, the book ſo called, 269.
Domeſday-book, 253. occaſion of its being made, and nature of it, 288, *&c.*

E.

Eadmer, monk of Canterbury, an hiſtorian, 323.
Earls, had always a barony annexed, 213. value and extent of their poſſeſſions, 213—217. their power, 218—220. difference between the Saxon and Norman earls, 215. titular earls created by Stephen, deprived of their titles by H. II. 217.
Eleanor, King Henry's queen, comes over with him to England, 3. did not poiſon Roſamond, 151. left by him regent of Maine and Aquitaine, at his return to England from one of his foreign expeditions, 421. 485.
Engliſh, were admitted more to places of honor and power under Henry, than during the preceding Norman reigns, 23. Character of the ancient Engliſh, compared with the Normans, according to William of Malmſbury, 153. Reflections thereon, 155.
Eſſex, Henry de, hereditary ſtandard-bearer of England, behaves ſhamefully in an action againſt the Welſh, 73. is accuſed on that account by Robert de Montfort, whereupon a duel enſues, in which he is vanquiſhed, 76, 77. by the clemency of the king, is permitted to live a monk in the abbey of Reading. His honours and lands are forfeited, 224.
Ethelred, abbot of Rivaux, an author in Stephen's time, 323.
Eudo, earl of Pontieure, has pretenſions to the dutchy of Bretagne, 85. upon a ſecret treaty with Louis, he renews them, but is defeated by Henry, 488, 489. deprived of ſeveral of his honors, 540.
Evereux, Simon de Montfort, earl of, aſſiſtant to Henry in his deſign upon Toulouſe, 99. who, in return, provides for his ſafety, and makes certain

certain ſtipulations for his benefit in the treaty concluded, 102.
Exchequer, the methods of accounting there, ſettled by William the Conqueror, 312. power and dignity of that court, 313. Payments from thence for the king's uſe on various accounts, 311, 312.
Exeter, it's great traffic noted by W. of Malmſbury, 177.

F.

Feudal-law, account of the compilation publiſhed at Milan. What authority thoſe books obtained in England, 263, 264. origin and different ſtates of the feudal ſyſtem, 264—267.
Feudal Conſtitution, account of it in England during the times treated of in this work, with obſervations upon it, 188—211. ſee alſo 217. 286. 337, 338.
Feudal military tenures, account of them as ſettled in England after the Normans came in, 179—188. Good and evil ariſing from them, 187, 188.
Fines, 304. abuſes therein, 305, 306.
Fitz-John, Euſtace, and Robert de Courcy, ſlain in fighting with the Welſh, 73.
Fitz-Urſe, Reginald, he, and three other knights, ſet out on a raſh enterprize againſt Becket, 589. they firſt come unarmed, and endeavour to perſuade him to take off the cenſures from the biſhops, or elſe quit the kingdom, 590—592. he refuſing either, they come again armed, and aſſaſſinate him, 593.
Fitz-walter, Milo, earl of Hereford, ſaves the ſiſter of the earl of Cheſter from falling into the hands of the Welſh, 60. The young earl, his ſon, obliged to give up the caſtles he had belonging to the crown, 12.
Flanders, the count and counteſs of, going to the holy land, chooſe Henry to be protector of their dominions, which adds to his power, 32.
Flanders, Theodoric earl of, articles of the treaty between Henry and him, 460—462.
Flemings, ſent by Henry I. to ſettle about Tenby and Haverford-weſt in Wales, 52. more ſent thither by Henry II. 70. attacked by Rhees ap Gryffyth, 406.
Florence, of Worceſter, an hiſtorian, 323.
Foliot, Gilbert, biſhop of Hereford, and afterwards of London, a paſſage in his letter to Becket, 134. he complains of the ſcutage laid on the clergy, 136. oppoſes the election of Becket with extraordinary firmneſs, 138. his ſpeech before the pope in behalf of the King, 391. writes a memorable letter to Becket, 427—432. being excommunicated by him, the King and ſeveral others intercede in his favour, with great teſtimonies to his honour, 506, 507, 508. but none of the biſhops, except his fellow-ſufferer, the biſhop of Saliſbury, ventures to appeal to the pope in the caſe, 511. the pope orders him to be abſolved, and ſpeaks honorably of him, 544. excommunicates him again on falſe ſuggeſtions, 576. he goes to the king in Normandy, to implore his aid, 589.
Forfeiture of fiefs, 203.
Fougeres, baron de, 85. raiſes a rebellion againſt Conan duke of Bretagne, after he had been the inſtrument of advancing him, 422. is defeated by Henry, 423.
Frankalmoign, a tenure peculiar to eccleſiaſticks, 249. duties required by it, *ibid.*
Frank-pledge, the inſtitution, nature and uſe of it, 259, 260.
Frederic Barbaroſſa, emperor of Germany, calls a council at Pavia, and eſpouſes the part of Victor as candidate for the papacy, 110. another is held by him at Lodi about the

the ſame affair, 114. and a meeting is propoſed at St. Jean de Laone, between him and Louis on that ſubject, 122, 123. cauſes why it failed, and conſequences thereof, 123—129. in encampments and ſieges, he followed the rules of the ancient Romans, 156. conſtitution made by him concerning feuds, 206. why he advanced men of low birth to knighthood, 238. he commits to writing ſome part of the feudal law, yet is a favourer of the civil law, and carries his claims as emperor too high, 265, 266. ſends an ambaſſador, and propoſes a confederacy with Henry, 414. comes into Lombardy at the head of a formidable army, 442. is crowned at Rome by the anti-pope, 462. ſoon afterwards his army is much weakened by a peſtilential fever, *ibid.* which obliges him to retire into Lombardy in great diſtreſs, 462, 463. A ſentence of excommunication and depoſition is paſt againſt him by Alexander, which cauſes moſt of the cities in Lombardy to revolt from him, 463. He is driven out of Italy, and eſcapes with great difficulty, 477. Alexander's ſentence of depoſition againſt him diſregarded in Germany, 478. he ſends another very ſplendid embaſſy to Henry, 496.

G.

Geoffry, King Henry's brother, why Henry did not reſign to him the earldoms of Anjou, Touraine, and Maine, according to his father's will, 27. he rebels againſt that prince, and loſes his three caſtles of Mirebeau, Chinon, and Loudon. Henry leaves him the lands belonging to thoſe caſtles, and aſſigns him a penſion, 28, 29. aſſiſted by Henry in regard to the earldom of Nantes, 80. dies, 81.

Geoffry, Henry's third ſon, contracted to the daughter of Conan le Petit, 423. becomes duke of Bretagne, 515.

Gerard, ſee *Albigenſes*.

Giraldus Cambrenſis, 325.

Glanville, chief juſtitiary of England under Henry II. 191. his treatiſe of laws, 191, 192, 193, 194, *&c.* 267. the moſt ancient of our law-books now extant, 269.

Grand and *petit ſergeanty*, what? 229.

Gratian, his decretum, 261.

Gratian and Vivian, nuncios from the pope, come to Henry in Normandy; Gratian's ſaying to that king; they yield ſome points to him, 516. but other difficulties ariſing, the conference is broke off. Henry's language frights them into more complaiſance. They abſolve his ſervants; but juſt afterwards complain of him to the pope, as if he altered the agreement, 518. diſcuſſion of that tranſaction, 518—521. they prepare to return into Italy, 521. Vivian is recalled by Henry, *ibid.* he tries to ſoften Becket and bring him to approve of his return, but in vain, 522. ſends him a copy of Henry's offer, and entreats him to attend on a conference between that king and Louis, *ibid.* being diſſatisfied with Henry's proceeding, he refuſes to meddle any more in the negotiation, 524.

Grenteſmeinil, Hugh, baron of Hinkley, ſeneſchal in Henry I's time, 226.

H.

Henry II. hears of the death of Stephen, but will not haſten to England, till he has firſt compoſed the affairs of Normandy, 1, 2. confers with his mother, happy agreement between them, 2. ſummons a council of the barons and prelates of Normandy, and confides to his mother the government of that dutchy, 3. is detained a month at Barfleur by contrary winds, puts to ſea in ſuch weather, that he is in danger of ſhipwreck; but eſcapes and lands in the New Foreſt, *ibid.*

ibid. welcomed as the deliverer of his country, 4. crowned, together with his queen, *ibid.* his conduct with regard to his coronation-oath, and the oaths to be taken to him: what meaſures he obſerved towards reſtoring the tranquillity of the realm, and union among his ſubjects, *ibid.* he meets his parliament, and in performance of the treaty of Wincheſter, immediately ſends away the foreign troops left by Stephen, 6. and demoliſhes the caſtles erected in the late reign, 8. proſecutes W. de Peverel for the murder of the earl of Cheſter. In purſuance of the above treaty, he reſumes crown-lands and poſſeſſions which Stephen had alienated, 8, 9. wherein he meets with great difficulties, but ſurmounts them by firmneſs and clemency, 9, 10. he calls a parliament at Wallingford, which ſettles the ſucceſſion upon his eldeſt ſon, and in caſe of the death of that prince on his ſecond, 14. confirms to his people the charter of King Henry I. 15. looks after the adminiſtration of the laws, and good order of the kingdom, 16. makes a wiſe choice of his miniſters, 17. an account of theſe, and of the reaſons upon which he choſe them, 18—24. excludes the biſhop of Wincheſter from all power, and why, 24. orders all that prelate's caſtles to be demoliſhed, on his leaving the realm without permiſſion from him, 25. lets him return, but confines him to his epiſcopal duties, *ibid.* does homage to Louis for his fiefs in France, 25, 26. applies to the pope, for a diſpenſation, to releaſe him from his oath to obſerve his father's will with regard to the three earldoms of Anjou, Touraine, and Maine, which he obtains, 26, 27. His brother Geoffry rebelling on that account, he takes from him his caſtles, but leaves him an honorable maintenance in lands and money, 28, 29. Obliges the nobility of Gaſcony and Guienne to give him hoſtages, 31. is made regent of Flanders and Vermandois, 32. recovers the three northern counties from the king of Scotland, and makes that prince acknowledge himſelf his vaſſal for Lothian, but at the ſame time confers on him the earldom of Huntington, 32—35. ſtrengthens the Flemiſh colony in South Wales, by ſending thither ſome of Stephen's mercenaries, whom he drove out of England, 70. makes war on the Welſh, 71, 72. falls into an ambuſcade, where his life is in great danger, but repells the enemy, and changes the plan of the war, by means of which, and by his kindneſs to Rhees ap Gryffyth, the prince of South Wales, he gains an honorable peace, 72—76. appoints the liſts for a duel between Henry de Eſſex, his conſtable, and Robert de Montfort, on a charge of high treaſon againſt the former for his cowardly behaviour in the war againſt the Welſh; mitigates the doom of the vanquiſhed, 76, 77. Receives homage at Cheſter, from Malcolm the third, king of Scotland, for the fiefs that prince held of England, but with a ſaving to all his royal dignities, 77. holds his court, not in the city, but ſuburbs of Lincoln, at the Chriſtmas feſtival, out of regard to an ancient ſuperſtition in the people, 78. an inſtance of his contemning the ſuperſtitions of the Welſh, though he paid this regard to thoſe of his Engliſh ſubjects, 78, 79. he reſtores the coin of his kingdom to it's due weight and fineneſs, 79. he goes over to Normandy, and ſupports his brother Geoffry in the dominion of Nantes againſt Conan, duke of Bretagne, 79, 80. on the death of Geoffry he ſucceeds to that dominion, 81. to prevent the king of France from diſputing his claim to it, he propoſes a treaty of marriage between his eldeſt ſon Henry,

Henry, and Margaret, daughter of Louis by his ſecond wife, which Louis gladly accepts, 81, 82. He is invited to Paris by Louis, where he obtains from that prince an approbation of his title to Nantes, and a commiſſion to judge and determine the diſpute between Conan and Eudo, earl of Pontieure, upon the right to the dukedom of Bretagne, 84, 85. Conan makes him a ceſſion of the city and earldom of Nantes, and he paſſes ſentence in his favour, 86. ſoon afterwards he takes poſſeſſion of Nantes, ſuppreſſes a revolt in Poitou, and returns into Normandy to attend on Louis at Mont St. Michel; gains the favour of that king by the reſpect he ſhews him on this occaſion, which he makes an advantageous uſe of for his greatneſs in France, 86, 87. brings the earl of Blois to yield to him the ſtrong caſtles of Fretteval and Amboiſe, which had been uſurped from Anjou, and the earl of Perche, to reſtore two fortreſſes unjuſtly taken from his demeſne in Normandy, conſenting that the latter ſhould hold the town of Beleſme as his vaſſal, 87. recovers all that had been alienated, during the late civil war, from his demeſne in Normandy, *ibid.* promiſes Louis to be his confederate in a holy war againſt the Moors in Spain, but truſts to Pope Adrian for the preventing of that prince from executing this project, which was improper at that time, and avails himſelf of the levies made, under pretence of it, in all his French dominions, to revive and enforce the pretenſions of his queen on Toulouſe, 88—91. he forms confederacies for a war on this account, 91, 92. he returns into England to aſk the aſſiſtance of the Engliſh, 91, 92. holds a parliament or great council on the Eaſter feſtival, at Worceſter, upon which occaſion he and his queen wore their crowns (as was uſual) but when they came to the oblation, laid them down on the altar and vowed to wear them no more, 92. finds the barons of England, and all his military tenants, ready to aſſiſt him in the war againſt the earl of Toulouſe, 92, 93. reaſons for that complaiſance, 93, 94. he is attended to it by Malcolm, the young king of Scotland, 94. finding that Louis had thrown himſelf into the city of Toulouſe, with a reſolution to defend it, he abſtains from attacking it, againſt the opinion of his favourite Becket, 94, 95. reaſons for this reſolution, 96—98. but he proſecutes the war with vigour and ſucceſs in other places, 98, 99. concludes a ſecret treaty with the earl of Evereux, which helps to bring on a truce, 99, 100. he and Louis conclude a treaty of peace on terms that are honorable and advantageous to Henry: Particulars thereof, 101—104. ſee alſo 117. Henry conſents, after the death of William de Blois, King Stephen's ſon, that his ſiſter Mary, who was a nun, ſhould be ſtolen out of her convent and married to the ſecond ſon of the earl of Flanders, by which marriage that prince gains the earldom of Boulogne; though this act is oppoſed by Becket, as offenſive to religion, 105—107. Henry makes a proviſion for Hamelin, his natural brother, by marrying him to the widow of W. de Blois, daughter and heireſs to W. de Warren, earl of Surry, 107. he concerts meaſures with Louis on the part they ſhould take in the ſchiſm between two popes, 107—114. he ratifies the peace with that king, but does not attend the celebration of his nuptials with a ſiſter of the earl of Champagne, 114, 115. on his return into Normandy, he celebrates the form of a marriage, or public and ſolemn eſpouſals between his ſon Henry and the princeſs Margaret, by which he gains the Norman Vexin, with three caſtles on the frontier, 116, 117. he is juſtified by

by the clear words of the late treaty from the charge of fraud in this matter, 117. he takes the caſtle of Chaumont, in the county of Blois, from the brother of the French queen, delivers it to one of his vaſſals, who had a claim to it, and expecting a war with Louis, ſtrengthens his territories with additional fortifications, and repairs of the old ones, where wanting, 117, 118. he alſo builds a palace in the neighbourhood of Rouen, and a hoſpital for lepers, 118, 119. he does not ſeek to fight with Louis, when he finds that a battle is avoided by that monarch, who had made a faint attempt againſt his frontier, but conſents to a truce, during which he ſuppreſſes a rebellion in Aquitaine, and takes Chatillon above Agen, 119, 120. preſides, together with Louis, at the council of Toulouſe. Does a very important ſervice to that monarch and Pope Alexander the third, by aſſiſting them againſt the emperor, Frederick Barbaroſſa, 127—129. he and Louis have a meeting at Touci, on the Loire, with that Pontiff, whom they lead to a pavillion prepared for their reception, walking afoot on each ſide of his horſe, and holding the reins of his bridle, 129. obſervations on that act, 129, 130. Thro' the mediation of Alexander, he obtains a peace from Louis without giving up any thing to him, 131. he receives an extraordinary embaſſy from the Mahometan king of Valentia and Murcia, 131, 132. upon Theobald's death, he advances Becket to the ſee of Canterbury, againſt the general ſenſe of his clergy and of the whole nation, and though his mother Matilda did her utmoſt to diſſuade him from it: His motives to this choice: Violent means by which the oppoſition to Becket's election was got over, 132—140. Henry returns to England, and appeaſes a great commotion in South Wales; after which he holds his court at Woodſtock, where the king of Scotland, and all the princes and chiefs of Wales pay their homage to him, and to his eldeſt ſon, 140—143. perſonal qualities of Henry, his private life and manners, 144—152. he undertakes to correct ſome great evils in the church, and to reſtrain it's encroachments on the civil power, 341. oppoſed herein by Becket, 341, 342. Is much alarmed at his ſending him back the great ſeal, into Normandy, and aſhamed of having been duped in the choice he had made, 343, 344. comes to England on that account, and ſhews him marks of his diſpleaſure; yet permits him and moſt of the other Engliſh biſhops to go to the council held at Tours by pope Alexander the third, 344. he takes occaſion from this prelate's having protected ſome clergymen guilty of capital crimes againſt the royal juſtice, to begin his intended reformation of the clergy, 348, 349. his ſpeech to the biſhops on that ſubject, 349, 350. further proceedings on this buſineſs, 350—354. council of Clarendon and tranſactions there, 354—361. Henry applies to the pope to obtain a confirmation from the apoſtolick ſee of the cuſtoms and dignities of his realm, 362. A like requeſt had been refuſed to him before, and this, though Becket ſeemingly concurred in deſiring it, was alſo denied, 364. another demand of the legatine power for the archbiſhop of York is made by Henry, and without ſucceſs, 365. he is much diſturbed at hearing that Becket had fled beyond ſea, but that prelate being driven back, and coming to his court, he treats him mildly, yet drops words that alarm him, 366, 367. Is admoniſhed by his nobles and counſellors to take care of himſelf and his ſucceſſors againſt the attempts of the clergy, and particularly of Becket, to encroach on the royal power,

power, 367. He cites Becket to appear before him for denying juſtice to John his mareſchal, *ibid.* on that prelate's refuſal he calls him to anſwer for this offence, and other matters, 368. demands of him five hundred pounds, which he ſaid he had lent him, when he was chancellor, *ibid.* requires him to account for the rents of ſeveral vacant abbies and biſhoprics, and other caſual profits belonging to the crown, which he had in his hands many years, 369. grants him a reſpite, which he prays for, before he makes his anſwer, 370, 371. being informed of the manner of his coming into the chamber, where he and the peers were aſſembled, carrying a croſs in his hands, he retires into an inner room, and there complains of this behaviour, 373. he requires only that juſtice ſhould be done him on the debt he claimed from that prelate, and ſends ſome lords to demand of him, whether he would give pledges to ſtand to the judgment of the court on that article, or was prepared to do the king right according to his promiſe. On his anſwer, it is reſolved by Henry and the temporal barons to attaint him of high treaſon: But Henry permits the biſhops to appeal to the pope againſt him on account of his perjury, 373, 374. while they declare this to him, Henry demands juſtice againſt him from the temporal lords, and calls in certain ſheriffs, and ſome barons of inferior dignity, to aſſiſt in the judgment, 375. after his withdrawing himſelf from hearing that judgment, Henry fearing ſome act of illegal violence againſt him, orders proclamation to be made, forbidding all perſons, on pain of death, to do him or his people any harm, 377. promiſes to adviſe with his council on his petition for a licence to go out of the realm, *ibid.* obſervations on all the proceedings at Northampton, 379—382. on notice of his flight, Henry orders the ports to be guarded, and ſends an embaſſy to the king of France, the pope, and the earl of Flanders, 382, 383. this proving fruitleſs, he confiſcates all the archbiſhop's eſtate, does other acts, which he was impowered to do by law, againſt him and his adherents, and ſtops the payment of Peterpence to the pope, 401. but acts unjuſtly in baniſhing all the relations, friends, and dependants of Becket. Obſervations on that edict, 402, 403. letter to Henry concerning it from one of his friends, *ibid.* inutility and miſchief of it to his affairs, 404. he has an interview with Louis, 404, 405. conſents to one with Alexander, but conditionally, that Becket be not preſent, 405. returns to England and makes an unſucceſsful war againſt the rebellious Welſh, 405—409. Puniſhes their hoſtages. Remarks on that act, 409—411. ſee alſo 528—531. Henry gives his eldeſt daughter to the duke of Saxony, 412. writes a very extraordinary letter to the archbiſhop of Cologne, and ſends an embaſſy to the diet of Wurtſburg aſſembled againſt pope Alexander in favour of Victor, 415—417. reflections thereupon, 417, 418. Henry preſides in a ſynod held at Oxford for the trial of ſome Germans accuſed of hereſy, and orders them to be cruelly puniſhed, 419—421. he goes to France, and chaſtiſes ſome of his barons in Maine for diſobedience to queen Eleanor, whom he had left regent of that earldom as well as of Aquitaine, and ſuppreſſes ſome commotions in Bretagne, which had induced Conan to treat with him for a ceſſion of the adminiſtration of that dutchy to him, in truſt for Geoffry, his third ſon, till he ſhould be of age, on a contract of marriage between that prince and Conſtantia, Conan's daughter, he (Conan) retaining only the earldom of Guingamp for himſelf, 421—423. importance of this acquiſition,

tion, 423, 424. Henry's good government there, 424. he calls a great council at Chinon, in Touraine, to adviſe with them by what means he ſhould reſiſt the excommunication he was threatened with by Becket; and follows the counſel of the biſhop of Liſieux to appeal againſt it to the pope: Orders two of his biſhops to notify this appeal to Becket, but they not finding him, he eſcapes excommunication only by his ſickneſs which did not laſt long, 434, 435. impropriety of this appeal, 436. He ſends into England orders, for preventing letters of interdict being brought into that kingdom, or received there, or obeyed, under ſevere penalties, 436. he drives Becket from his retreat at Pontigni, 437. cenſure of that act, 438. he negotiates with Alexander, through the mediation of the marquis of Montferrat, who aſks one of his daughters in marriage for his ſon: Reaſons againſt his employing John of Oxford in this buſineſs, which yet the event ſo far juſtified, that great points were gained for him, from Alexander, by that miniſter, 439, 440. what conceſſions, or promiſes were made by him, and how far authoriſed by Henry, 441. to what his ſucceſs muſt chiefly be aſcribed. Henry obtains, by other miniſters, John of Oxford's collegues, the ſight and poſſeſſion of ſome very important letters, 442, 443. he had ſought to gain time, in hopes of Alexander's death, or of ſome diſtreſs, into which the emperor might bring that prince, 445, 446. a war breaks out between him and Louis on a feudal diſpute about Auvergne, 448. events of that war, which bring on an armiſtice, during which Henry ſuppreſſes a rebellion in Bretagne, 449, 450. he receives an account of his mother's death, 450. his care to caution her againſt the arts of Becket in a mediation ſhe undertook, between him and that prelate, at the urgent deſire of the pope, 452, 453. a ſpirited declaration made by him, about that time, in a letter to the College of Cardinals, 455, 456. he pays large ſums, bequeathed by Matilda, to pious and charitable uſes, 457. pacifies the earls of Boulogne and of Flanders, who threatened to invade England, by a ſubſidiary treaty concluded with the earl of Boulogne, 457—459. account of former treaties of the ſame nature, 459—462. Henry ſhews great indignation on reading the letters brought by the Cardinal-Legates, 466. his diſcourſe and offers to them, 466, 467. he is deſirous to fill up the vacant ſees in his kingdom: preſſes the legates to hear his cauſe with Becket, and offers them any ſecurity, that he would ſtand to their judgment on every article, if they would do him juſtice, 473. at the end of this conference he ſaid publickly, *that he wiſhed his eyes might never more ſee the face of a cardinal:* Yet, at their audience of leave, he begged their interceſſion with the pope *to rid him* of Becket, and ſpoke with ſo much emotion that he even ſhed tears, 474. on receiving a letter from the pope, which ſuſpended Becket's authority over him or his realm, till that prelate ſhould recover his royal favour, he refuſes to ſee him, which he had promiſed to do before, and, beſides other boaſting expreſſions, ſays, to the biſhop of Worceſter, *that he had now got the pope and all the cardinals in his purſe.* He even declares in his family what bribes he had given, and to whom of the ſacred college, 476, 477. His offer to cardinal Otto, concerning Becket and the royal cuſtoms, 481, 482. obſervations upon it, 482. he ſuppreſſes a revolt in Aquitaine, and treats of a peace with Louis, 484—486. he implores the biſhop of Chartres to reconcile him to his liege lord, the king of France,

with whom, and for whom, he was ready to go to a holy war againſt Ægypt, 487. the concluſion of the peace is retarded by ſeveral incidents, particularly by the murder of Henry's general in Aquitaine, the earl of Saliſbury, and by a revolt in Bretagne, both which are puniſhed by Henry, 488—490. Henry is accuſed to Louis, by Eudo, earl of Pontieure, of having debauched his daughter, whom he he had delivered to him as an hoſtage of peace, 490. an interview is propoſed between him and Louis, but, he coming to it late, and with a multitude of armed knights, it gives an alarm to the French, and prevents the conference, 491, 492. a deſcription of the effects of the paſſion of anger upon Henry approaching to frenzy, 494, 495. he receives a ſplendid embaſſy from the emperor, to offer him aſſiſtance againſt Louis, if he will join in the ſchiſm. He returns an anſwer, which intimates that he might accept this offer, if Louis and Alexander ſhould continue to act as for ſome time paſt, 496. this accelerates the peace, which is ſoon afterwards concluded at Montmirail: Articles thereof, 497, 498. obſervations thereupon, 498—501. declarations ſaid to have been thrown out by Henry, and confirmed by oaths, that he would never again do homage to Louis for the dutchy of Normandy: The truth of this very doubtful, 501. what paſt between Henry and Becket at Montmirail, 501—504. his anſwer to the monks, who delivered him a letter of commination from the Pope, 505. he vainly uſes his utmoſt endeavours to prevail on the pope, that Becket, by orders from his Holineſs, ſhould be called out of France, and tranſlated from Canterbury to ſome foreign ſee, 510, 511. he requires Louis to expel Becket out of France, 513. he compleats the eſtabliſhment of his ſon Geoffry in Bretagne, and ſubdues ſome rebels in Gaſcony and Poitou. Makes ſtrong lines for the defence of one part of his frontier in the dutchy of Normandy, builds a caſtle at Beauvoir, and carries on other great works for the benefit of his people, particularly a dyke, or bank, to reſtrain the overflowings of the Loire, 515. he receives Gratian and Vivian, two nuncios from the pope, and angrily breaks off two conferences with them, which renders them more complaiſant, 216, 517. but new diſputes ariſe, which prevent an agreement, 517—521. the nuncios depart from Henry, but he recalls Vivian, 521, 522. has a conference with Louis, in which he promiſes to treat, in an amicable manner, with the earl of Toulouſe, on the claim of his ſon Richard, as duke of Aquitaine, to that earldom, and to ſend that prince to be educated in the court of France, 522. his anſwer to an artful petition from Becket, 523, 524. and to another of the ſame kind, 524, 525. diſpute about the *kiſs of Peace*, 526. he ſends over ſevere injunctions to England: Remarks on the 6th and 7th articles concerning the baniſhment of the *kindred* of offenders, and *of all who belonged to them*, 527—531. Henry propoſes to crown his eldeſt ſon: Nature and intent of ſuch coronations: Reaſons for and againſt the practice, 533—537. It appears that the king had intended to do this act ſome years before: What prevented it then, and determined him to it now, 537, 538. difficulty ariſing from the archbiſhop of Canterbury's being out of the kingdom, 538. how got over, 538—540. Henry makes a progreſs over all Bretagne with his ſon Geoffry, to receive the homage of the nobles and freemen of that dutchy, who had not paid it before. He proceeds judicially againſt the earl of Pontieure, 540.

returns

returns into Normandy, and makes a new offer to Becket for an engagement between them, 540, 541. Henry does not enough attend to the inſidious wording of the pope's bull about his ſon's coronation, 545. he is in great danger from a tempeſt in paſſing the channel, 546. having been abſent almoſt four years, he finds that many diſorders had ariſen in his kingdom, particularly with regard to the collection of his revenues, and to all judicial proceedings, except thoſe of his own court. In a parliament held at Windſor, he appoints a commiſſion of enquiry into theſe abuſes. Obſervations thereupon, 546—548. effects of this commiſſion, 548, 549. he cauſes his ſon to be crowned, and miniſters to him at the coronation feaſt, 550. words he is ſaid to have ſpoken on that occaſion, 550, 551. he goes to France in order to pacify Louis, who reſents his daughter's not having been crowned with her huſband, 551. has an interview with that king, in which the peace between them is renewed. He is irreconcileably offended at Becket's malignant and arrogant proceeding about the kiſs of peace, 560. reaſons that induce him to promiſe to yield this point, 560—562. yet deſires ſome delay, 563. account of what paſt in their meeting in a meadow near Frettevalle, 563—567. cenſure of Henry for ſome things he ſaid to Becket on that occaſion, 567, 568. after the extraordinary marks of favour, he had publickly given to Becket, he thinks he muſt not go back, and therefore grants his petition, though materially different from that form of words which he (Henry) had ſettled with the pope, 569. his condeſcenſions are ineffectual to ſoften Becket, 569—572. being very ſick in Normandy he makes his will, 573. contents thereof, and remarks upon one clauſe therein, by which he deſired to be buried in the monaſtery of Grammont, at the feet of an abbot there interred, 573, 574. he delays the execution of the peace with Becket, 574. in a diſcourſe with that prelate, he reproaches him with ingratitude, and annexes a new condition to his promiſe of full reſtitution to him and his followers, 578. in another conference, he ſays to him, *Oh! my lord, why will you not do what I deſire? I then ſhould put every thing into your hands*, ibid. On hearing the complaints of the archbiſhop of York, and the biſhops of London and Saliſbury againſt Becket, he expreſſes great reſentment, and in the violence of his paſſion throws out words which occaſion the murder of that prelate, 589.

Henry, the King's eldeſt ſon, eſpouſed to Margaret of France, 81. the marriage ſolemnized, 117. he, as earl of Anjou, performs the office of ſeneſchal of France, 514. is crowned king of England in his father's life-time, 549. an arrogant expreſſion of his on the occaſion, 550. reaſons why his conſort could not be crowned at the ſame time, 551. refuſes to admit Becket to come to him, 588.

Henry the Lion, duke of Saxony and Bavaria, propoſes marriage to Matilda, King Henry's eldeſt daughter, 412. that prince's illuſtrious family, extenſive dominions, and perſonal qualities, 412—414. he ſuppreſſes a rebellion in Saxony, 496. receives his conſort, the princeſs of England, *ibid.* joins in the embaſſy from the emperor to his father-in-law, *ibid.*

Heraldry, the origin of it, 161.

Hides, or ploughlands, ancient diviſion of the land of England into theſe, according to which the military or other charges of the kingdom were impoſed. Definition of a hide of land, 178, 179.

Homage, how performed, 198. the words of the oath to meſne lords, *ibid.*

ibid. to the King, 199. from eccleſiaſticks, 200.
Hoveden, Roger de, an hiſtorian, 324.
Humet, Richard de, juſtitiary of Normandy, has full power from Henry to conclude a peace with Louis, 486.

I.

Jews, how treated in England from the reign of the Conqueror to that of Henry II. incluſively, 308—310.
Inheritances feudal, how ſettled, 192, *&c.*
John of Oxford, preſided in the parliament at Northampton, where Becket was tried, 582. ſent from Henry to Wurtſburg (or Wittenberg) his errand and conduct there, 416, 417. made dean of Saliſbury, but his election is annulled, and he excommunicated by Becket, 426—434. ſent to Alexander, reſigns his deanry to that Pontiff, but receives it from him again with abſolution, 439. negotiates with him, and obtains great points for his maſter, 439—443. arrives in England, and declares the contents of letters he brought from the pope: conſequences of that declaration, 444, 445. Henry ſends him to caution the empreſs Matilda againſt the arts of Becket. His accuſations againſt that prelate, 452, 453. conducts Becket to England, 582. protects him from inſults, 585.
Juſtinian, that emperor's pandects diſcovered during the life-time of Henry II. 260. his code, *novellæ*, and inſtitutes, *ibid.*
Juſtitiary of England, his functions and powers, 227, 228. as this office declined, that of the chancellor grew, 229.
Ivelcheſter, Richard of, archdeacon of Poitiers, Henry's embaſſador to the pope, 416. excommunicated by Becket, 434. propoſes to the clergy the articles and oath enjoined by the King, 532. words of his, which come to Becket's ears, 556.

K.

Knighthood, account of that inſtitution, 232—242.
Knights bannerets, what they were, 247, 248.

L.

Language, Engliſh, change in it after the coming in of the Normans, 320.
Letters, remarkable ones, from the biſhop of Liſieux to Becket, 351, 352. 502, 503. from Becket to Henry, 425. from the Engliſh clergy to the pope, 426. from Becket in anſwer to that letter, 427. from Gilbert Foliot, biſhop of London, to Becket, 427—433. (ſee alſo 133, 134. 138, 139. 355, 356. 358. 367, 368. 374, 375. ſee alſo Appendix to the third book.) From the pope to Henry, 440.) from Becket to his agent at Rome, 445. from the ſame to the pope, 446, 447. from Becket to Matilda, 450, 451. from Henry to the college of cardinals, 455, 456. from John of Saliſbury to Becket, 463. from Becket to cardinal Otto, 464. from Becket to the pope, 465. from the Cardinal-legates to the pope, 466—469. from Becket to the pope, 469—472. from the appellant Engliſh prelates to the pope, 474. from the pope to Becket, 476. from Becket to his agents at Beneventum, 484. from the priors of Montdieu and St. Peter's Vale to the pope, 501—504. from Becket to the pope, 506. to the biſhop of Oſtia, 513, 514. from the pope to Henry, 540. to Becket, 541. from Becket to cardinal Albert and Gratian, 544. to Becket from a ſecret friend, 555, 556. from Becket to one of the legates, 558, 559. from Becket to the pope, 563—571. to the biſhop of Oſtia, 572. to Cardinal William of Pavia, 572, 573. to a nun, 583, 584.
Leiceſter, Robert de Bellomont, earl of, grand juſtitiary of England, 18. 227. goes from the king and peers at the parliament of Northampton, to demand of Becket, to give an account of the money with which he was charged; or, if he refuſed, to pronounce the ſentence of the peers

peers againſt him, 375. he alone, of all the nobles, refuſes to meet the archbiſhop of Cologne, at his entry as embaſſador, on account of the excommunication which that prelate lay under, 414, 415.
Liſieux, the biſhop of, his artful advice to Becket, 503.
Literature, ſtate of it in England in Henry's II's time, and before that reign, 321—329.
London, charter of Henry to that city, 313. obſervations upon it, 313, 314. deſcription of the ſtate of that city in his reign, with reſpect to buildings, wealth, number, manners, and cuſtoms of the inhabitants, *&c.* 314—317.
Lothian, that earldom held in fief under Henry, 34.
Louis le Jeune, king of France, receives homage from Henry for his fiefs, 26. concludes a marriage-treaty with him concerning his daughter and Henry's eldeſt ſon, and invites him to Paris, 83. intends an expedition with him againſt the Moors in Spain, 88. appears and acts againſt him, when he attempts to poſſeſs himſelf of Toulouſe, 95. makes peace, 102. his queen dying in child-bed, he ſuddenly marries again, 114. quarrels again with Henry, 118. his perplexed proceedings in the affair of the two anti-popes, wherein Henry comes to his relief, 121. he treats Henry's embaſſadors cooly, harbours Becket, and recommends him to the pope, 387, 388. viſits Becket at Soiſſons, 395. the diſcord between him and Henry encreaſes, 404. he has a ſon born, 411. remarkable words ſpoken by him concerning his daughter, who was married to Henry's eldeſt ſon, 412. he promiſes to ſupport a revolt againſt duke Conan in Bretagne, 422. his zeal for Becket, 444. the occaſion of his commencing actual war upon Henry, and the firſt operations on both ſides, 448—450. treaty of peace, deſired by Henry, rendered ineffectual through offence taken by Louis, 487—493. it is concluded at laſt, 497. Louis prevails on Becket to make ſome ſubmiſſion to his ſovereign, 505. he protects him ſtill, in ſpite of all remonſtrances to the contrary, 513. offended that his daughter had not been crowned along with her huſband, 551.
Lucy, Richard de, though he had been of Stephen's party, yet, for the reputation of his integrity, preferred to the higheſt truſts by Henry, wherein he proves faithful and able, 18. joined with the earl of Leiceſter in the office of juſtitiary, *ibid.* ſent over by the king from Normandy to effect the election of Becket to the ſee of Canterbury, 138. his interview with Becket at St. Omers, 388. Becket excommunicates him, 434. he prevents an invaſion, with which England was threatened, 458. empowered by Henry to conclude a peace with Louis, 486.
Luſignan, Guy de, murders the earl of Saliſbury, 487.

M.

Malcolm III, king of Scotland, reſtores the three northern Engliſh counties to Henry, 34. does homage (with a ſaving to his royal dignity) for the fiefs he held of him, and attends his great council, 77.
Malmſbury, William of, an hiſtorian, 323. the character he gives of the Normans and Engliſh, 153.
Manor, a number of freemen requiſite to conſtitute one, 251.
Mareſchal of England, his duties military and civil, 225. the word in its firſt ſenſe ſignified maſter of the horſe to the king, 226.
Mareſchal, William, derived his family name from the office, 226.
Matilda, the empreſs, mother to Henry II. acquieſces in his claim to the kingdom of England, without any formal renunciation, or reſignation of her own, 2. her merit to him therein, 3. at his going to

to England ſhe ſtays in Normandy, the government of which is confided to her, 3. ſhe does her utmoſt to diſſuade him from promoting Becket, 138. ſhe procures, by means of the pope, an interview between the French king, and Henry, 404. her deceaſe, 405. her character, and ſome account of her laſt public act, the mediation between her ſon and Becket, 450—457.

Meredyth, Madoc ap, his ſervices to Henry, 14. his death, 142.

Military art, was in many particulars the ſame with that of the ancient Romans, 156. moveable towers and *baliſtæ* uſed, *ibid.* but the principal ſtrength was in the cavalry, 157. account of their offenſive and defenſive arms. Obſervations thereupon, and facts relating thereto, 157—161.

Militia of the Saxons, to what number it amounted, 179. law of Athelſtan concerning it, *ibid.* except in the caſe of *beneficiary tenants* reſtrained to *the defence of the realm*, *ibid.* to this, and to the building and repairing of forts and caſtles, and to the building and repairing of bridges, all the lands of the kingdom were ſubject by a fundamental law of the Anglo-Saxons, 178.

Monaſteries, no leſs than three hundred built in England during the reigns of Henry I. Stephen, and Henry II. 329. the notions and motives, which in thoſe days contributed to the increaſe of them, *ibid.* the pernicious conſequences thereof to the public in ſeveral reſpects, 330, 331. whether William Rufus had a deſign of reſuming their lands and poſſeſſions, 331. their opulence and luxury, 331, 332.

Montmirail, treaty concluded there between the kings of France and England, 497.

Montferrat, marquis of, aſks one of Henry's daughters in marriage for his ſon, 438. procures a paſſage for the emperor Frederic, in diſtreſs, through the territories of Savoy, 477.

Mortagne, diſpute about that earldom's being re-annexed to the demeſne of Normandy, 457.

Mortimer, Roger de, together with the earl of Hereford, obliged, after reſiſtance, to cede the caſtles they had belonging to the crown, 12.

Mortmain, 331.

N.

Nantes, revolutions of that earldom, 80, 81. 83, 86. ſee alſo *Henry* and *Geoffry Plantagenet*.

Naval Power of the Engliſh, from the time of Alfred to that of Henry II. and of Richard I. 165—173.

Nobility, their attendance on parliamentary meetings was coæval with the Engliſh monarchy, 212.

Nobility and gentry, their way of living, magnificence in buildings and apparel, modes of dreſs in thoſe times, 333—336. good and bad effects of their high ſpirit, 338.

Normandy, the government of it intruſted by Henry to his mother during his abſence, 3. his tranſactions there from time to time, ſee under *Henry*. War between him and Louis in the Norman territories, 448—450. He erects ſtrong fortifications along the frontiers, 515.

Normans, their character and that of the Engliſh compared, according to William of Malmſbury, 153, 154. obſervations thereupon, 154—156.

Northampton, great council held there, 368.

Norwich, biſhop of, publiſhes Becket's ſentence of excommunication againſt the earl of Cheſter, notwithſtanding the King's prohibition, 532.

O.

Otto, cardinal, legate in Becket's affair, his ſpeech at taking leave of the King, together with the King's anſwer, and reply of the legates, 481—483. his queſtion to Becket, and the anſwer, 483.

Oxford univerſity, ſtate of it in thoſe times, 327.

P.

Palatine, ſome earldoms why made ſo? 218, 219. the juriſdiction enjoyed by ſuch, *ibid.*

Paris, Henry invited thither by Louis le Jeune, 84. it's univerſity, 327. Quotation from a late remonſtrance of the parliament of Paris, 336.

Parliament, enquiry into the ſtate and conſtituent members of it in thoſe times, 273—286.

Paſchal III. a ſecond anti-pope ſet up againſt Alexander, 389. crowns the emperor Frederic, 462.

Pavia, the council held there, 110.

Pavia, William of, appointed legate in Becket's affair, 439. arrives in France, 463. his letter to Becket, and the latter's anſwer, 463, *&c.* he and his collegue have a conference with him, 466. they report to the pope the obſtacles they met with, and the ſmall ſucceſs of their commiſſion, 466—469. Becket's letter of thanks to him, 572.

Peerage, the number thereof in thoſe times not exactly aſcertainable, 337.

Pembroke, Roger de Clare, earl of, poſſeſſes Cardiganſhire, 141.

Penalties, extended to the innocent kindred of offenders, remarks thereon, 401. 528—531.

Penance, a particular one enjoined to ſoldiers at a ſynod in William the Conqueror's time, 248.

People of England, no certain eſtimate of their number in this reign, 336. the country was then more populous, in proportion to the metropolis or other principal cities, than at preſent, 337.

Peter-pence, the payment of them ſtopt by Henry, 401. ſee alſo 443—528.

Popery, its principles tend to incroach on the civil authority, 340. *ibid.* the obſtacle Henry met with in redreſſing the grievances ariſing from theſe principles, 341, *&c.*

Primogeniture, right of, when introduced in feudal ſucceſſions, 206.

Puiſage, what? 298.

R.

Raymond, earl of Toulouſe, perſuades Louis le Jeune to interpoſe in his favour againſt Henry's pretenſions, 94.

Regal power, in England, the nature of it in thoſe times, great prerogatives and great influence belonging to the crown, 286—288. wealth of the crown, 288—313. of what the royal revenues in thoſe times conſiſted, *ibid.*

Reliefs, 191. 197. 210. 213.

Rheims, council of, Becket and other biſhops go thither, 344. acts of that council, 345.

Roſamond, Henry's miſtreſs, the true part of her hiſtory diſtinguiſhed from the fabulous, 150, 151.

Rouen, archbiſhop of, joined with Matilda in the mediation between Henry and Becket, 456. empowered by Henry to conclude a peace with Louis, 486. endeavours an accommodation between the King and Becket, 520. commiſſion ſent to him by the pope, 542. Henry's letter to him, 557. he and his collegue ſucceed at laſt in bringing about the reconciliation, 562.

S.

St. Clare, Hubert de, governor of Colcheſter-caſtle, receives in his own breaſt an arrow, levelled at the King, and expiring, recommends his daughter to the protection of that prince, 13.

Saliſbury, the earl of, appointed by Henry as his general in Aquitain, 486. is treacherouſly murdered on his return from a pilgrimage, 487.

Saliſbury, the biſhop of, ſuſpended by Becket, 426. appeals to the pope, as do alſo the other biſhops, *ibid.* he is excommunicated, 506. a ſecond time, 576. goes to the King, 589.

Saliſbury, John of, account of his writings and character, 326. ſee *Becket* and *Letters*.

Scutage, a pecuniary commutation for perſonal

perſonal military ſervice, 103. 136. 186. 301.
Sea-fight, an account of one in that age, 163.
Seneſchal, nature and extent of that office in England at different periods, 226.
Seneſchal of France, Henry inveſted with that dignity, 85. he and the family of Anjou deprived of it by Louis, 404. who reſtores it again, 500. Henry's ſon, as earl of Anjou, acts in that quality, 514.
Sheriffs, or viſcounts, 221. their functions, *ibid.* how appointed, *ibid.* earls ſometimes made ſheriffs in their own counties, 222. ſheriffs collected the King's rents, 291—297.
Ships, thoſe of war, were all galleys, 163. King Alfred had built ſome upon a new model, 165. deſcription of theſe, *ibid.* remarks on what is ſaid of the fleet of Edgar, 165, 166. the Cinque-ports, and other towns, obliged to provide ſhips, 171. veſſels of trade, and buſſes, 172. laws concerning wrecks, 177, 178. the ſelling to foreigners any Engliſh ſhip, or drawing away any ſeaman into foreign ſervice, forbidden, under the higheſt penalties to the buyer and ſeller.
Simeon of Durham, an hiſtorian, 324.
Socage and ſoc-men, 251. they held their land by free ſervice, and were freemen, *ibid.* 252. all tenures turned in later times into common ſocage, 253.
Stephen, King, his death conduced to the peace of England, 1.

T.

Tallage, on what lands it was laid, 302. falling heavy on poſſeſſors of alodial eſtates, it made many covet feudal tenures, 210.
Tenure, ſee *Feudal conſtitution*.
Thanes and Thane-lands, what? 189.
Theobald, archbiſhop of Canterbury, inſtrumental in preſerving the peace of the realm till Henry arrived, 3. treated by the king with great regard, 19. his character, and conduct in public affairs, *ibid.* his affectionate letter to the king, and his death, 132.
Tilts and tournaments, their origin, and uſe, 161, 162.
Toulouſe, Henry's pretenſions to that earldom in right of his queen, and his proſecution thereof, 91, *&c.* ſucceſs of his arms in that country, 98.
Trade, the early encouragement given to it, 173. ſtate of it in thoſe days, 173—176.
Tythings, ſee *Counties*.

V.

Valencia and *Murcia*, Mahometan king of, ſends an embaſſy and preſents to Henry, 131.
Vavaſor, meaning of the word, 179.
Victor, anti-pope, ſee *Alexander*. His death, 389.
Villeins and bondmen, account of them in thoſe times, 253—259. laws concerning them; modes of infranchiſement, *ibid.*
Viſcount, what it anciently ſignified, 221. powers of the office. How held in thoſe times, 221—223.
Vivian, the pope's nuncio, at Henry's requeſt, returns back, and tries to bring Becket to comply, but in vain, 522. is diſguſted alſo with Henry, 524. goes back to Italy, 526. his final exhortation to Henry, *ibid.*

W.

Wardſhip, its origin, 191. how far reſigned by Henry I, 192. how exerciſed, eſpecially with regard to the marriage of females, 193, *&c.* profit from it to the crown, 296.
Welſh, abridged hiſtory of that people from the time of the retreat of the Romans out of Britain to the reign of Henry II, 35—70. Henry II. ſends ſome Flemiſh mercenaries to their countrymen in Pembrokeſhire. At the inſtigation of ſome of the leſſer princes in Wales,

Wales, he determines to make war againſt Owen Gwyneth, king of North Wales, 71. account of that war, 71—75. honorable peace obtained by it, which eſtabliſhes the ſovereignty of England over all Wales, 75, 76. new commotions in South Wales, 140—142. how compoſed, 142, 143. a new rebellion in South Wales, which ſoon becomes general, 406, 407. oppoſed by Henry unſucceſsfully, 407—411. Ruthlan caſtle and Preſtatyn are taken by Owen Gwyneth and Rees ap Gryffyth, which makes them maſters of Flintſhire, 493, 494. all the Welſh princes offer aid to the king of France againſt Henry, 493.

William of Ipres, together with all the foreign troops, obliged to leave England, 6. ends his days as a monk, 7.

William the Lion, King of Scotland, ſends embaſſadors to Louis, with offers of a confederacy againſt Henry, 493. deſires to regain Northumberland, 494.

Wincheſter, how conſiderable a city in ancient times, 317.

Wincheſter, the biſhop of, goes abroad without his ſovereign's permiſſion, 25. at his return, diſabled by Henry from moleſting his government, but ſuffered to live quietly in his biſhoprick, *ibid.* reaſon why he did not put himſelf at the head of the eccleſiaſtical faction in Becket's affair, 361. his opinion at Northampton about the account demanded of Becket, and about reſigning his archbiſhoprick, 370. his excuſe why he would not appeal to the pope in behalf of the biſhop of London, 511. becomes at laſt feebly active in Becket's faction, 512. refuſes to take the oath enjoined by the king, and is followed therein by the reſt of the clergy, 532.

Worceſter, biſhop of, prevailed upon, by Becket's flattery, to attempt carrying to England the pope's mandate in his behalf, 553.

Y.

Yeomanry, 184.

York, that city much declined in the times of Henry II. from its priſtine greatneſs, 317.

York, archbiſhop of, his ſpeech before the pope, as the king's embaſſador, 391. Henry deſigns to have his ſon crowned by him, 518. the right of the archbiſhop of York to do this act, ſtated, 538, 539. he accordingly performs the coronation, 551. is ſuſpended for it by the pope, though authorized to do it by that pontiff himſelf, 576. the proceedings with this prelate, not committed to Becket, but reſerved by the pope to himſelf, 580.

MVSEVM BRITANNICVM

The END *of the* INDEX *to the* SECOND VOLUME.